CHIEF'S PREFACE

The Appleton Police Department Policy Manual is intended to serve as a valuable reference, critical to daily police activities. It is the responsibility of every employee receiving the manual to review and understand its contents.

All information produced by the Department cannot be contained in one manual. Questions concerning issues not addressed in this text must be researched and resolved through other reference sources. Policy and procedures in this manual supersede all previous directives concerning a particular subject.

The policy manual will serve employees as a guide to ensure our decisions and actions are consistent with the mission of law enforcement and philosophy of the Appleton Police Department.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The Appleton Police Department will continue to provide the highest level of service to our community. We will use innovative and collaborative strategies to respond to and prevent crime, disorder, and conditions detracting from the high quality of life expected in Appleton.

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GOALS AND OBJECTIVES

The goals and objectives of the Appleton Police Department are to utilize our Core Values - Compassion, Integrity, and Courage - while providing excellence in police service to the community and all those we serve. The below key strategies, which are part of the department's strategic plan, are essential to achieve the stated desired outcomes.

Core Values

Compassion - An awareness of the suffering of another accompanied by a desire to alleviate it.

Integrity – A steadfast adherence to moral and ethical principles.

Courage – A state of mind which enables one to face difficulty or danger with confidence and bravery.

Key Strategies

1. Identify and effectively respond to community needs.

2. Foster community relationships and encourage active participation in public safety issues.

3. Develop staff by recruiting the best, providing them with quality equipment and training, and appreciating the work they do.

4. Be culturally responsive and treat everyone with dignity and respect.

5. Promote innovative problem solving and crime fighting initiatives.

6. Research and implement new technology.

7. Educate the community on public safety issues and communicate our successes.

Outcomes

- Successful collaborative efforts and initiatives.
- Improved safety and quality of life.
- Community is more informed and educated about policing.
- Increased crime prevention.
- A greater sense of a safe community.
- Employees who feel appreciated and are proud of their profession and employer.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE APPLETON POLICE DEPARTMENT

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

(a) When the officer has or reasonably believes that an arrest warrant has been issued in the State of Wisconsin, or a felony arrest warrant has been issued in another state.

(b) When the officer has probable cause to believe any crime is being, or has been, committed.

(c) All police officers are deputy conservation wardens and shall assist the Department of Natural Resources (DNR) and its wardens in enforcement of Chapter 29 of the Wisconsin Statutes whenever notice of a violation is given to them by the DNR or its wardens (Wis. Stat. 29.941)

(d) Officers are authorized to make arrests for Federal crimes; however, such action shall only be taken upon direction of a supervisor (18 U.S. Code 3041).

AUTHORITY TO ARREST / AGENCY ASSIST ARREST PROCEDURES

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION

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

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

(b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.

(c) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm or acts that the officer reasonably believes constitute a felony.

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

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

100.3.3 OFF-DUTY PEACE OFFICER ARREST AUTHORITY

Appleton Police officers have the same authority off-duty as they have on-duty, while within the corporate limits of the City of Appleton or while exercising the statutory authority afforded under Wis. Stat. 66.0313, 175.40(2), or 175.40(4).

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

(a) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm.

(b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.

(c) The off-duty officer notifies the on-duty supervisor as soon as reasonably practicable, notifies the local law enforcement agency of the county or municipality where the arrest occurred and cooperates with that agency as necessary (Wis. Stat. § 175.40(6m(a)).

100.4 INTRASTATE PEACE OFFICER ASSISTANCE

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

See attachment: 2019 Fox Valley Mutual Aid Agreement.pdf

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

100.4.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE

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

(a) The governing body of the tribe that created the tribal law enforcement agency adopts and has in effect a resolution that includes a statement that the tribe waives

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its sovereign immunity to the extent necessary to allow the enforcement in the courts of the state of Wisconsin of its liability under Wis. Stat. § 66.0313 or another resolution that the Wisconsin Department of Justice determines will reasonably allow the enforcement in the courts of the state of Wisconsin.

(b) The tribal law enforcement agency or the tribe that created the tribal law enforcement agency maintains liability insurance that does all of the following:

1. Covers the tribal law enforcement agency for its liability under law
2. Has a limit of coverage not less than $2,000,000 for any occurrence
3. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to the limits of the policy

(c) This department and the tribal law enforcement agency have in place an agreement under which this department accepts liability for instances in which it responds to a request for assistance from the tribal law enforcement agency.

Additionally, the tribal law enforcement agency requesting assistance must provide to the Wisconsin Department of Justice a copy of the resolution, proof of insurance or a copy of the required agreement. The Wisconsin Department of Justice must post either a copy of the document or notice of the document on the Internet site it maintains for exchanging information with law enforcement agencies.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other adjoining states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state (Wis. Stat. § 175.46).

(b) When an officer enters Minnesota, Iowa or Michigan in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, and in the case of Illinois any criminal offense (Minn. Stat. § 626.65; Iowa Code § 806.1; MCL 780.101; 725 ILCS 5/107-4).

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

100.6 INDIAN COUNTRY

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

(a) On the Menominee Reservation (41 Fed.Reg. 8516 (1976)).

(b) In matters of the Indian Child Welfare Act that involve the following:

(a) Forest County Potawatomi (62 Fed.Reg. 1471 (1997))

(b) Red Cliff Band (61 Fed.Reg. 1778 (1996))

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(c) In Indian child custody matters involving the Lac Courte Oreilles Tribe (46 Fed.Reg. 15579 (1981)).

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

100.7 CONSTITUTIONAL REQUIREMENTS

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

100.8 APPLICATION OF PROFESSIONAL DISCRETION

Officers are expected to act in compliance with the laws of the United States and State of Wisconsin, the municipal code of the City of Appleton and the rules, regulations, and policies of the department. Furthermore, all officers shall abide by the International Association of Chiefs of Police Law Enforcement Code of Ethics.

The severity of enforcement action, officer inaction, or the decision to initiate contact or enforcement must not be influenced by race, gender, cultural background, appearance, mental or physical impairment, sexual orientation, socioeconomic standing, educational background, religious belief, or political affiliation.

Enforcement action must not be more severe than can be reasonably and objectively justified to serve the interests of the State of Wisconsin, City of Appleton, and the Appleton Police Department.

A lawful detention, contact, or enforcement activity may not be extended unnecessarily for the purpose of delaying the release or inhibiting the free movement of any person.

When engaging in arrest activities, officers shall abide by all state statutes, the WI Uniform Misdemeanor Bail Schedule Order Preamble, Outagamie County jail booking guidelines, and department policies governing confinement and shall have the discretion to examine possible alternatives.

100.9 JURISDICTIONAL BOUNDARIES

The City of Appleton GIS Department or the authorized designee is responsible for developing and maintaining jurisdictional boundary maps, ensuring that the maps are provided to all new members, via the intranet, and that the maps are readily available to all members in patrol briefing areas and the Communications Center.

100.9.1 GEOGRAPHIC BOUNDARIES

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

100.9.2 CONCURRENT JURISDICTION

Officers may share or have equal authority within the same jurisdictional boundaries by two or more governmental entities. Officers should acknowledge that other law enforcement agencies

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may have lawful concurrent jurisdiction to perform and/or carry out specific law enforcement operations in the performance of their duties in routine circumstances other than mutual aid requests.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Wisconsin are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive Officer of the Appleton Police Department, as a condition of appointment, must be a citizen of the United States (Wis. Stat. § 66.0501(1)).

The Chief Executive Officer shall meet the required prerequisites and complete any course of training prescribed by the Wisconsin Law Enforcement Standards Board (LESB) (Wis. Admin. Code § LES 2.01(1)).

101.2.1 OATH OF OFFICE

The Chief Executive Officer shall take and file the official oath of office within 10 days after notice of election or appointment (Wis. Stat. § 62.09(4)(a)).

101.2.2 AUTHORITY

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

The Chief Executive Officer shall have charge of all City jails, including that portion of any jail that is used by the City in a joint government building (Wis. Stat. § 62.09(13)(b)).

101.3 TRAINING

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

101.4 GOALS AND OBJECTIVES

The Chief of Police or the authorized designee is responsible for establishing goals and objectives for the Appleton Police Department and shall ensure they are reviewed and updated annually and available as an appendix to this policy manual. The plan should specify a time period and, at a minimum, include:

- Long term goals and operational objectives
- Anticipated workload and staffing needs
- Capital improvement, equipment and supply needs

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- Provisions for implementation, progress assessment and revision as needed

The Command Staff Leadership Team shall ensure that goals and objectives for their assigned divisions are established, assessed for progress, reviewed and updated annually, and distributed to all members.

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Appleton Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

Upon employment, all employees of this department shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging their duties (Wis. Const. Article IV, § 28).

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

State of Wisconsin,

County of _____,

I, state your name, having been duly qualified and appointed as a police officer for the Appleton Police Department, do hereby swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, uphold the Laws of the State of Wisconsin and the ordinances of the City of Appleton, obey all lawful orders my superiors, adhere to the Law Enforcement Code of Ethics and faithfully discharge the duties of my office to the best of my ability, so help me God.

Subscribed and sworn to before me this _____ day of _____, _____ (Year)

_____ (Signature)

102.3.1 LAW ENFORCEMENT OATH OF HONOR

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

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

On my honor,

I will never betray my badge/profession, my integrity, my character, or the public trust.

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I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the constitution, my community, and the agency I serve.

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Appleton Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Appleton Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 COLLECTIVE BARGAINING AGREEMENTS

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

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

103.2.3 LABOR AGREEMENTS AND POLICY

The Chief of Police shall acknowledge the duly constituted bargaining units representing any group of employees and shall adhere to relevant portions of the collective bargaining agreements as applicable to those bargaining units.

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Upon final ratification of any collective bargaining agreement, the Chief of Police or the authorized designee shall assure congruence between the terms of the agreement and department operating policies and procedures by:

- Obtaining a copy of the finalized executed labor agreement.
- Ensuring all policies and procedures are aligned with the terms of the labor agreement.
- Communicating information regarding new and/or amended labor agreements and department policies and procedures to managers and supervisors of affected bargaining unit members in a timely manner.

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

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

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

City - The City of Appleton.

CFR - Code of Federal Regulations.

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

Department/APD - The Appleton Police Department.

Employee/personnel - Any person employed by the Department.

LESB - The Wisconsin Law Enforcement Standards Board.

Manual - The Appleton Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

Officer - Those employees, regardless of rank, who are sworn peace officers of the Appleton Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer - Any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. The term includes sworn full-time and part-time officers who perform the duties of a peace officer.

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

WisDOC - The Wisconsin Department of Corrections.

WisDOJ - The Wisconsin Department of Justice.

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

WisDOT - The Wisconsin Department of Transportation.

WILENET - The Wisconsin Law Enforcement Network.

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103.5 ISSUING THE POLICY MANUAL

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

The Assistant Chief or his/her designee shall be responsible for coordination of the policy function, which includes the maintenance and distribution of the policies.

Any member of the department may, by virtue of expertise, position or function, be designated by the Chief of Police to author, or provide source material for, a written policy; however, sole responsibility for the content, issuance, and modification of the policies rest with the Chief of Police.

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

The Command Staff leadership team will ensure that members under his/her command are aware of any Policy Manual revision.

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 POLICY

The Appleton Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Appleton Police Department. The Chief exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the department. The Chief, or a designee, is responsible for planning, directing, coordinating, controlling, and staffing all activities involving the department, for its efficient operation, and for the enforcement of rules and regulations within the department.

The office of the Chief is comprised of the Chief of Police, Assistant Chief of Police, Fiscal Resources Manager, Executive Assistant to the Police Chief and Admin Support Specialist (Fiscal Resources).

There are three divisions in the Police Department:

- Administrative Services Division
- Patrol Division
- Investigative and Community Resource Unit Division

Annually, the Assistant Chief/Fiscal Resources Manager shall develop and submit a budget to the Chief of Police.

200.3.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by the Administrative Services Manager, whose primary responsibility is to provide general management direction and control for the Administrative Services Division, including management of the physical police department facility, supervision of Police Communication Specialists and Administrative Support Specialists, coordination of the overall records function, and the designation of the custodian of records. The Administrative Services Division consists of Administrative Support Specialists and Police Communication Specialists.

(a) **Administrative Support Unit**

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1. Lead Administrative Support Specialist
2. Administrative Support Specialists

(b) **Police Communications Unit**

1. Lead Police Communication Specialist
2. Police Communication Specialists

200.3.2 PATROL DIVISION

The Patrol Division command is shared by two Captains, whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Patrol Lieutenants, Uniformed Patrol Officers, a Canine (K9) Unit, Traffic Unit, and the Community Service Officers.

(a) **Patrol Districts:** A captain commands each patrol district. Lieutenants perform first line supervision and are responsible for managing a team of district police officers. The number of police officers assigned to each district is contingent upon the documented workload present within the geographical area. Each district captain is responsible for ensuring 24-hour a day service delivery in their respective area. A high degree of autonomy is afforded each captain for developing strategies to cope with unique problems and requirements within the district.

(b) **Operations Coordinator:** The Operations Coordinator is responsible for planning and organizing staffing and equipment for the department's oversight of special events and gatherings to maintain public safety and order. This officer also oversees the City's tow truck service provider program and coordinates requests for officers to provide security services for private entities on a contractual basis. This officer reports to a designated district captain.

(c) **Traffic Safety Officers:** The traffic safety officers address traffic complaints, investigate crashes, and conduct proactive traffic enforcement.

(d) **Community Service Officers:**

1. Lead Community Service Officer: Oversees the work of the unit officers, including scheduling, training, and monitoring daily work performance.
2. CSOs: Perform a variety of department tasks including animal ordinance enforcement, parking enforcement, non-reportable crash investigation/ documentation, and various non-arrest tasks which can be handled by these non-sworn employees.

200.3.3 INVESTIGATIONS AND COMMUNITY RESOURCE UNIT DIVISION

The Investigations and Community Resource Unit is commanded by the assigned Captain, whose primary responsibility is to provide general management direction and control for the Investigations and Community Resource Unit. The Investigations and Community Resource Unit consists of the Investigative Services Unit, School Resource Officers, the Special Investigations Unit, and the Community Resources Unit.

(a) **Investigative Services Unit:**

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1. Lieutenant: Coordinates the investigations function and performs first line supervision.
2. Investigator: Investigators handle those cases which cannot be effectively pursued at the patrol level.
3. Forensics investigator: Performs tasks related to computer forensics and analysis of electronics.
4. Crime analyst: Examines crime trends, creates reports related to investigation and crime analysis.
5. Forensic Evidence Specialists:
    (a) Lead Forensic Evidence Specialist: Oversees the day-to-day work of the unit.
    (b) Forensic Evidence Specialist: Responsible for collecting, storing and maintaining evidence and property.

(b) **School Resource Unit:**

1. Lieutenant: Coordinates the School Resource Program, performing first line supervision of the School Resource Officers.
2. School Resource Officer: Responsible for mentoring and supporting youth to prevent and deter criminal behavior. Also responsible for conducting sensitive crime investigations related to sexual and physical abuse of both adults and children.
3. SORP Specialist: Is a member of the State of Wisconsin ICAC Task Force. Investigates crime related to the dissemination/possession of child pornography and human trafficking. Responsible for disseminating information related to the Sex Offender Registry.

(c) **Special Investigations Unit:**

1. Lieutenant: Coordinates investigations and operations related to drug interdiction, human trafficking, gang suppression. Performs first line supervision.
2. Investigator: Responsible for community problem solving through intelligence gathering and analysis. Partners with the MEG Unit to fight street level narcotics and gang activity. Locates and arrests felony level offenders.
3. LWAM Investigator: Is the agency's representative on the Lake Winnebago Area MEG Unit.

(d) **Community Resource Unit:**

1. Lieutenant: Supervises the work of the unit and serves as the primary Public Information Officer for the agency. Coordinates the unit's work with community agencies working with various individuals in need.
2. Community Liaison Officer: Primarily works with landlord/tenant issues, other city departments on problematic locations and individuals, and partners with others on crime prevention education.

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3. Threat Assessment Officer: This officer primarily investigates/coordinates responses to incidents of workplace/school threats and is the agency liaison to state and federal agencies aligned to prevent and identify threats to life and security in Appleton.
4. Victim Services Officer: Works with crime victims to enhance criminal investigations and supports victims through various court processes. This officer is a resource for all agency officers working with victims of varied types of crimes.
5. Behavioral Health Officer: The primary departmental liaison to various public and private support agencies for those living with mental health issues. This officer is often the primary officer to work on incidents involving persons with chronic mental health issues which are contributing to criminal behavior. This officer is the liaison to various treatment courts as necessary.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a member of the Command Staff Leadership Team to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Assistant Chief

(b) Senior Captain

In the event of a scheduled absence, the Chief of Police may choose to deviate from the succession plan and designate an acting Chief of Police. An acting Chief of Police assumes full authority of the Chief of Police.

200.4.2 UNITY OF COMMAND

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

In the event an employee's immediate supervisor is unavailable, they will consult the available, ranking supervisor within their unit. If no such person is available, the available ranking operations supervisor will be consulted.

200.4.3 SPAN OF CONTROL

Division commanders (captains) have general responsibility for, and control over, all members of their command. They exercise direct control over the intermediate supervisory personnel within their commands. Patrol team or unit supervisory personnel (lieutenants) shall exercise

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direct control and responsibility over line personnel within the command. Specifically, supervisory personnel are responsible for overseeing the actions of employees operating within their span of control. This span of control, depicted in the table of organization, provides that each employee is accountable to only one supervisor.

The limitations on individual span of control have been set to ensure effective direction, coordination, and control of employees under the immediate control of a given supervisor and have been developed with consideration of such factors as type of work performed, the complexity of the work, separation of the supervisor from immediate subordinates by time or place, etc

200.4.4 ORDERS

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

200.4.5 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

200.5 ACCOUNTABILITY FOR AUTHORITY

Each member may be delegated authority and is delegated the authority necessary to effectively execute responsibilities. Each member will be accountable for the appropriate application of that delegated authority.

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Department Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 12-01 signifies the first Departmental Directive for the year 2012.

Temporary Departmental Directives that become inoperative with the passing of the incident or period for which they are written, and are not intended for nor will be included in the manual, should be tracked and acknowledged similar to policy revisions.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF

Command staff shall review and approve draft Departmental Directive revisions before implementation to determine whether they should be formally incorporated into the Policy Manual. Command staff shall recommend necessary modifications to the Chief of Police.

201.2.2 CHIEF OF POLICE

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

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

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

201.4 RETENTION

The Chief of Police or the authorized designee shall develop and maintain a process, in accordance with the established records retention schedule, for indexing, purging, updating, storing and retaining, and disseminating Departmental Directives.

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

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

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

202.2 POLICY

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

202.3 DEPARTMENT RESOURCES

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

202.4 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

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

ACTIVATING EMERGENCY OPERATIONS PLAN PROCEDURE

202.4.1 RECALL OF PERSONNEL

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

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

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202.5 LOCATION OF THE PLAN

The Emergency Operations Plan is available on the network at S/Emergency Plan. The department's Emergency Preparedness Coordinator, who works in conjunction with the health department's Emergency Management Coordinator, should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

202.6 UPDATING THE PLAN

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

202.7 PLAN REVIEW

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

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Training

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet the standards of federal, state, local and Wisconsin Law Enforcement Standards Board (LESB) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the LESB or other regulatory or nationally recognized entities.

203.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department personnel.

(c) Provide for continued professional development of department personnel.

(d) Assist in compliance with statutes, LESB rules and regulations or policy concerning law enforcement training.

203.4 TRAINING PLAN

The Assistant Chief is responsible for the general oversight and administration of the department training function. The tasks associated with the training function shall be the responsibility delegated to the Professional Development Coordinator under the supervision of the Support Services Captain. It is the responsibility of the Professional Development Coordinator to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Professional Development Coordinator shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of sworn officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Professional Development Coordinator is responsible for ensuring members of the Department have been trained as required.

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For purposes of LESB reporting obligations, the time period for annual training begins July 1 and ends June 30.

Lesson plans are required for all training courses conducted by the agency.

(a) The preparation instructions in Training Guideline Appendix A shall be used as a guide for instructors.

(b) The lesson plan format in Training Guideline Appendix B shall be used whenever a lesson plan is required.

203.4.1 MANDATED TRAINING

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

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

With the exception of four hours of pursuit driving training every two years and the annual firearms qualification, there are no mandatory subjects for re-certification training and the decision on the content of an officer's annual in-service training is left to the discretion of the department.

203.4.2 DEPARTMENT TRAINING REQUIREMENTS

Department instructors who have been certified by the Wisconsin Department of Training and Standards and/or certified to instruct a non-certifiable Wisconsin Department of Training and Standards discipline will conduct in-service training, whenever possible.

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

(a) CPR/First-aid refresher

(b) Firearms training (annual state qualification)

(c) Defense and arrest tactics (DAAT)

(d) ECD, impact weapon, chemical weapon or other control devices

(e) Prior to the carry of a firearm sworn officers shall receive copies and demonstrate understanding of all use of force policies

(f) All use of force policies

(g) Search, seizure and arrest

(h) Ethics

(i) Pursuit driving (4 hours every two years)

(j) Legal Update

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Prior to training, lesson plans shall be submitted to the Assistant Chief two weeks prior to the training date for approval. The Assistant Chief shall ensure that the lesson plan is consistent with agency policies and existing state requirements, as well as the comprehensive training plan. The Professional Development Coordinatorand the author of the lesson plan shall review and sign the lesson plan form found in Appendix B.

Supervisors with oversight of civilian positions shall ensure that new employees to those positions receive any required training necessary for them to perform their required job duties. They will also ensure these employees receive and ongoing and additional training deemed appropriate.

203.4.3 SPECIALIZED TRAINING

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

(a) Skill development training upon promotion or assignment to a specialized position.
(b) Training for newly appointed civilian members to include:
    (a) The department's role, purpose, goals, policies and procedures.
    (b) Working conditions and regulations.
    (c) Responsibilities and rights of employees.
(c) Remedial training requirements to include:
    (a) Situations under which remedial training shall be utilized.
    (b) Timeline for completion.
    (c) Consequences for failure to successfully complete.

203.4.4 REMEDIAL TRAINING

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

203.5 TRAINING NEEDS ASSESSMENT

The Support Services Unit will conduct an annual training needs assessment and complete a report of the training needs. The analysis of training needs will rely upon the following; observation or review of field incidents, directives from Command Staff, state mandated training requirements, current events, and surveys. The training needs assessment report will be provided to the Chief of Police and staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

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203.6 TRAINING PROCEDURES

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

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation
5. Emergency situations
6. Approved FMLA Leave

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
2. Make arrangements through his/her supervisor and the Professional Development Coordinator to attend the required training on an alternate date.
3. The Professional Development Coordinator shall bring evidence of repeated exceptions or absences to the attention of the Assistant Chief.

203.7 DAILY TRAINING BULLETINS

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Professional Development Coordinator. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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203.8 ROLL CALL TRAINING

Roll call training is designed to augment the formal training process by providing employees with necessary skill and information updates between formal training sessions.

203.9 TRAINING RECORDS

Attendance rosters shall be completed for all in-house training and forwarded to the Support Services Unit. The Professional Development Coordinator is responsible to manage and distribute training records in compliance with the Training Files section in the Personnel Files Policy.

203.10 TRAINING REIMBURSEMENT

The department shall reimburse personnel attending training in a manner consistent with the policies/rules outlined in the City of Appleton travel policy.

At the conclusion of a training event, requests for reimbursement should be forwarded to the Support Services Unit.

203.11 REMEDIAL TRAINING

Remedial training shall generally be considered when an employee has consistently demonstrated a lack of skill, knowledge, or ability in the performance of a job-related task or has been disciplined for conduct that suggests a lack of awareness of proper procedure.

Supervisors who have noted that an employee may be in need of remedial training shall discuss the concern with the Assistant Chief. If the need for remedial training is affirmed, the Assistant Chief should determine the best method of accomplishing the training.

Upon completion of remedial training, test scores, certificates, or other pertinent documents shall be forwarded to the Support Services Unit for inclusion in the affected employee’s training file.

Failure to participate in, or respond to, remedial training may result in disciplinary action, up to and including termination.

203.12 TRAINING RECORDS REQUIREMENTS

For each training program conducted by the Department, the Support Services Unit shall maintain records to include:

(a) Course content or lesson plan.

(b) Dates of training course.

(c) Names of persons in attendance.

(d) Names and qualifications of training instructors.

(e) Performance of attendees, including test results if applicable.

(f) Retention or records of course materials (e.g., articles, newsletters, videos, handouts).

203.13 CERTIFIED INSTRUCTORS

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

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Wisconsin Public Records Laws). Messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Department.

At a minimum, employees will check their email during each shift, absent extenuating circumstances. Employees will respond to messages in a timely manner. All email accounts should be kept clean and manageable. If an employee will be gone longer than two weeks, the employee shall activate an automated response letting senders of messages know about the absence.

204.2 EMAIL RIGHT OF PRIVACY

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

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

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

204.3 PROHIBITED USE OF EMAIL

The department email system shall not be used for personal purposes unless that use is authorized in writing by a supervisor.

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

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Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from a supervisor. Personal advertisements or announcements are not permitted.

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

204.4 EMAIL RECORD MANAGEMENT

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

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

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT E-MAIL

Department E-mail may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

205.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

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

205.4 SURVEYS

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

205.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee.

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 RECOMMENDED STAFFING LEVELS

Staffing levels should result in the scheduling of at least one supervisor on-duty at all times.

Minimum hourly supervisory coverage will be:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Holidays
0600 - 1200	1	1	1	1	1	1	1	1
1200 - 0300	2	2	2	2	2	2	-	1
0300 - 0600	1	1	1	1	1	1	-	1
1200 - 2000	-	-	-	-	-	-	2	1
2000 - 0600	-	-	-	-	-	-	1	1

Holidays - New Year's Day, Easter, Thanksgiving, Christmas Eve, and Christmas Day.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate any unforeseen circumstances, an officer may be used as a field supervisor in place of a patrol lieutenant.

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Former Officer Carrying Concealed Weapons

207.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the legal authority for retired and former law enforcement officers meeting certain criteria to carry concealed weapons and to provide guidelines associated with the issuance of a firearms qualification certificate to a qualified former Appleton Police Department officer (Law Enforcement Officer Safety Act Improvements Act of 2010 (LEOSA), 18 USC § 926C; Wis. Stat. § 175.48 et seq.; Wis. Stat. § 941.23).

207.1.1 DEFINITIONS

Definitions related to this policy include:

Certification card - A card complying with Wis. Stat. § 175.49 indicating:

- The card holder has met the standards for qualification established by the Law Enforcement Standards Board (LESB).
- The qualification was conducted by a certified LESB firearms instructor.
- The type of firearm the qualified former law enforcement officer is certified to carry.
- The date of the qualification and an expiration date of the certification (12 months later).
- A statement that the issued person meets the criteria of a qualified former law enforcement officer under Wis. Stat. § 175.49.
- The qualified former law enforcement officer's full name, birth date, residence address, photograph, physical description (including sex, height and eye color), and the name of our state.
- A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the holder an employee or agent of this department.

The certification card may not contain the cardholder's social security number.

Proof of qualification - State-approved documentation evidencing a person has successfully completed a handgun qualification course as adopted by the Law Enforcement Standards Board (LESB) and conducted by a firearms instructor that is LESB-certified.

Qualified former law enforcement officer - An individual who meets the criteria of Wis. Stat. § 175.49 in that he/she:

- Separated from this department in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.

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- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Department.
- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Department acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.

207.2 POLICY

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

207.3 CERTIFICATION CARD

If a qualified former law enforcement officer who was employed by this agency provides the appropriate proof of qualification, the Department shall provide him/her with a certification card (Wis. Stat. § 175.49).

Prior to issuance of the certificate, the Department will conduct criminal and local agency background checks, including a check for convictions, wants or warrants, and any active court order (TIME/NCIC), to determine if the applicant is prohibited by state or federal law to possess or carry firearms, and will ensure that all other federal and state statutory requirements, including those related to firearms qualification, are met.

207.3.1 FEES

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

207.3.2 CARD REVOCATION

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

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207.4 AUTHORITY TO CARRY CONCEALED FIREARM

Qualified former law enforcement officers who meet the applicable requirements and who carry a current certification card may be authorized to carry a concealed firearm in Wisconsin and other states (18 USC § 926C; Wis. Stat. § 941.23).

However, it is the sole responsibility of qualified former law enforcement officers who have been issued an identification card or certification card to be familiar with and follow all related local, state and federal firearm laws, including:

(a) The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)

(b) State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)

(c) Self-defense and defense of others (Wis. Stat. § 939.48)

(d) Defense of property and protection against retail theft (Wis. Stat. § 939.49)

(e) Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)

(f) Carrying a firearm in a public building (Wis. Stat. § 941.235)

(g) Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C)

In determining whether a former law enforcement officer is legally carrying a concealed firearm, officers should determine whether the person may be authorized under either federal law or state law, or both, to carry the concealed weapon.

207.5 PROHIBITION

No former law enforcement officer may be certified to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C and related statutes.

207.6 IDENTIFICATION CARDS

The Department will not require an officer to relinquish his/her photographic identification card when the officer separates from service with the Wisconsin law enforcement agency unless at least one of the criteria outlined in Wis. Stat. § 175.48(2) applies.

Eligible officers may request, at their expense, the re-issuance of an identification card, identifying them as a former member of the department. Retiree cards will not automatically be given to departing employees. Cards may be issued upon request if the requirements established in 175.49(2)(b) are met.

The bearer of an Appleton Police Department former identification card exercises no lawful authority, enjoys no privileges, and is not an agent or officer of the Appleton Police Department. Misuse of the identification card may result in the imposition of any applicable statutory penalties.

The issuance of a retired identification card does not authorize the retiree to carry concealed weapons under 18 USC 926C.

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Budget Management - Refer to the City of Appleton Budget Policy

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm. Deadly force includes the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

De-escalation - De-escalation is a concept that involves an officer's use of time, distance, and relative positioning in combination with professional communication skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

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

Imminent - About to happen, impending. An imminent threat is an immediate threat.

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERVENE AND REPORT

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

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

300.2.2 PERSPECTIVE

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

300.2.3 WHISTLEBLOWER PROTECTIONS

No officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the officer reported, or is believed to have reported, any noncompliant use of force.

300.2.4 ADDITIONAL CONSIDERATIONS

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

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer, with similar training and experience, on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. When using force, officers are required to act in good faith to achieve a legitimate law enforcement objective.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this

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department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

APPROACH AND INTERVENTION DECISION MAKING PROCEDURE

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual’s mental state or capacity.

(f) The individual’s ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

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(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

SUBJECT BEHAVIOR AND OFFICER RESPONSE PROCEDURE

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

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

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

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

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

300.3.4 POSITIONAL HOLD

The proper application of the positional hold may be effective in controlling a violent or combative individual. However, due to the potential for injury, the use of the positional hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the positional hold.

(b) The positional hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to continue to resist or be violent and the officer's strength alone would not reasonably be able to keep a person under control without resorting to a higher level of force.

(c) The application of a positional hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a positional hold:

1. Females who are known to be pregnant

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2. Elderly individuals
3. Smaller juveniles
4. Individuals who have obvious deformities, malformations, or injuries to the neck or spine

(d) Any individual who has had a positional hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel if they complain of shortness of breath or pain.

(e) The use or attempted use of a positional hold shall be thoroughly documented by the officer in any related reports.

A "choke hold" is a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. Choke holds are prohibited.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.7 ADDITIONAL REQUIREMENTS

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

300.4 DEADLY FORCE APPLICATIONS

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

Use of deadly force is justified in the following circumstances:

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

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(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

DEADLY FORCE DECISION AND APPLICATION PROCEDURE

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 WARNING SHOTS

An officer shall not discharge a firearm as a warning. Warning shots are prohibited.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer shall articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. The "Use of Force" circumstances shall also be selected in Spillman when completing the report.

300.5.1 REPORTING POINTING OF A FIREARM

If an officer intentionally points a firearm at a person in the course of duty, the officer shall complete a report detailing the circumstances of the incident. If multiple officers are involved, only the assigned officer is required to complete a report unless otherwise directed by a supervisor.

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(a) The mere pointing of a firearm at an individual does not require a Use of Force entry into the Axon Standards.

300.5.2 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of active countermeasures and/or the application of decentralization or incapacitating techniques.

(f) Any application of the ECD or control device.

(g) Any application of a restraint device other than handcuffs, flex cuffs or transport belts.

(h) The individual subjected to the force was rendered unconscious.

(i) An individual was struck or kicked.

(j) An individual alleges any of the above has occurred.

The responding supervisor should review the incident and determine if a Use of Force report in Axon Standards should be completed.

300.5.3 REPORTING TO WISCONSIN DEPARTMENT OF JUSTICE

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

(a) Involving the discharge of a firearm by an officer at or in the direction of a civilian.

(b) Involving the discharge of a firearm by a civilian at or in the direction of an officer.

(c) Involving any action taken by an officer in response to an act of resistance that results in great bodily harm or death (Wis. Stat. § 939.22).

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, any officer who uses force against an individual shall ensure the subject is continuously monitored for an injury. Officers shall provide first aid and/or request medical assistance, as needed,for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to an incident in which there has been a reported application of force. The supervisor is expected to monitor the situation and take any immediate action, as deemed necessary, to include:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(d) Identify any witnesses not already included in related reports.

(e) Make notifications in accordance with the Major Incident Notification Policy.

(f) Review and approve all related reports.

(g) Complete a Use of Force entry in Axon Standards.

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(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 USE OF FORCE REVIEW TEAM
The Use of Force Review Team shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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

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

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

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

300.9.1 ADDITIONAL TRAINING REQUIREMENTS
Officers shall also receive annual training related legal updates.

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

300.10 USE OF FORCE ANALYSIS
Annually, the Assistant Chief or designee should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and may include:

(a) The identification of any trends in the use of force by members.

(b) The identification of any trends in the community.

(c) Training needs recommendations.

(d) Equipment needs recommendations.

(e) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 ADMINISTRATIVE ASSIGNMENT

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

301.4 REVIEW BOARD

The Use of Force Review Board will be convened to review the following uses of force by a member.

(a) All incidents involving the accidental or intentional discharge of a firearm, excluding the intentional use to dispatch an animal or the use of kinetic energy impact projectiles, unless their use causes great bodily harm or death to a person. This section does not apply to non-injury discharges during firearms training, hunting, or participation in sporting or recreational events.

(b) The intentional use of an object or technique on a person, the use of which would likely cause death. This is an untrained use of deadly force but may be justifiable under the circumstances.

(c) All incidents resulting in great bodily harm to a person by an officer's use of force.

(d) Any additional situations as directed by the Assistant Chief.

The Assistant Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the lieutenant of the involved employee to notify the Assistant Chief of any incidents requiring board review. The involved employee's lieutenant will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall consist of the following personnel:

- Assistant Chief (Chairperson)

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- Investigative Services Unit Coordinator
- City Attorney or designee (non-voting advisory member)
- One member selected by the Chief of Police
- One officer selected by the involved officer(s)
- Unified Tactics Coordinator or Firearms Coordinator

The Assistant Chief will serve as chairperson. If the officer involved is the Assistant Chief, the Chief of Police will chair the Use of Force Review Team. If the Chief of Police is the officer involved, the Assistant Chief will coordinate with the Police and Fire Commission as to who will chair the review team. This may require the assistance of an outside agency. The City Attorney or designee will be a non-voting member acting as a resource in an advisory capacity to the Board.

If the involved officer is incapacitated and cannot designate an officer to serve on the review team, the Chief of Police will direct the officer's supervisor to select an officer to represent the involved officer. The selectee is subject to the approval of the involved officer(s) should the officer(s) cease to be incapacitated prior to the completion of the investigation.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. This process is separate from any related criminal investigation.

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

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

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

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

The board shall make one of the following recommended findings:

(a) Justified as trained.

(b) Dynamic application of trained technique.

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(c) Not trained but justified under the circumstances.

(d) Not justified.

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

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

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

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Appleton Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Appleton Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the detainee, officers, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES
The use of handcuffs on juveniles is permissible. However, consideration should be given to the seriousness of the offense, the likelihood of escape, or the potential threat to the transporting officer.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed

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and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. The primary device is the WRAP restraint system which is located in the supervisor and designated equipment vehicles. Additional device options are located in the equipment storage room in Operations. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

Subjects shall not be handcuffed to any part of the vehicle.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF HOBBLE LEG RESTRAINTS

When applying hobble leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the hobble leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the hobble leg restraint device.

(b) Apply the hobble restraint to the ankles of the subject. Attach the snap to the handcuffs, belt loop, or pants top behind the subject's back at the full extension of the strap. Do not attempt to shorten the strap.

(c) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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(d) Once secured, the person should be placed in a side recovery position, seated, or upright position.Transport shall be done with the subject secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

(e) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.

(f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(g) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.7.2 GUIDELINES FOR USE OF THE WRAP RESTRAINT SYSTEM

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

(a) If practicable, officers should notify a supervisor of the desire to apply the WRAP restraint system. In all cases, a supervisor shall be notified as soon as practicable after the application of the ankle restraint portion of the WRAP restraint system assigned to an officer patrol car.

(b) Apply the WRAP system restraint as outlined in training provided by the Professional Development Coordinator. Officers are permitted to use the system in its entirety or with just the upper harness to prevent handcuffs from being moved to the front of a subject. Use of the helmet on the subject is dependent on the behaviors of the subject and reasonable judgment of the officer.

(c) Once applied, absent a medical or other emergency, the WRAP restraint system should remain in place until the officer arrives at the jail or other facility.

(d) Once secured, the person should be placed in either a side recovery position or seated in an upright position. Transport shall be done with the subject secured with a seat belt.

(e) The restrained person should be continually monitored by an officer while in the WRAP restraint system.

(f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize and obvious factors contributing to this condition.

(g) When transported by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. This is to ensure the subject can be quickly removed from the system or have adjustments made at the request of medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g.,prolonged struggle, extreme agitation, impaired respiration).

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302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Professional Development Coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

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

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

303.4 RESPONSIBILITIES

303.4.1 AUTHORIZATION

The Chief of Police may authorize the use of a control device by sworn personnel or members of specialized units who have successfully completed the required training.

303.4.2 INVENTORY RESPONSIBILITIES

The Assistant Chief of Police or designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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

303.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Services Coordinator for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Patrol officers are not required to carry OC spray. However, if they choose to carry it, they shall carry the device in its holster on the equipment belt or LBV. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

Community Service Officers shall carry APD issued OC while on duty and are limited to its use for animal control duties or in self-defense or the defense of another.

OC spray may be used when a subject is threatening to actively resist or is actively resisting an officer and the subject poses a threat of bodily harm to an officer or another person.

Generally, OC should not be sprayed directly at the eyes of a person from a distance of less than three feet because of an increased risk of eye injury from the pressure of the spray.

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303.7.2 PEPPER PROJECTILE SYSTEMS

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

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent.

Each deployment of a pepper projectile system shall be documented. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

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

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

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

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

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

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

Kinetic energy impact projectiles should not be used in a situation where the subject poses an imminent threat of great bodily harm or death to an officer or another person (including the subject) unless another officer is present and capable of immediately delivering deadly force.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

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

Subjects who are struck by a kinetic energy impact projectile shall be transported to a medical facility for examination. Any injuries shall be properly documented.

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303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

303.10 TRAINING FOR CONTROL DEVICES

The Professional Development Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

(b) All training and proficiency for control devices will be documented in the officer's training file.

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

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Electronic Control Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING ECDS

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

Officers shall only use the ECD and cartridges that have been issued by the Department. Officers who have been issued the ECD shall wear the device in an approved holster on their person.

Officers carrying the ECD should perform a function test on the unit at least once during a shift rotation.

Officers carrying the ECD should replace the battery every 30 days or when the battery life reaches 20% - whichever comes first.

Officers shall carry the ECD in a weak-side holster on the side opposite the duty weapon.

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

(b) Officers shall be responsible for ensuring that their issued ECD is properly maintained and in good working order.

(c) Officers should not hold both a firearm and the ECD at the same time.

304.3.1 USER RESPONSIBILITIES

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

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

304.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

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(b) Provide other officers and individuals with a warning that the ECD may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate the audible warning, strobe lighting, or "painting" the laser in a further attempt to gain compliance prior to the application of the ECD. The laser should not be intentionally directed into anyone's eyes.

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

304.5 USE OF THE ECD

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

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

304.5.1 APPLICATION OF THE ECD

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

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the ECD on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, running on a hard surface, located in water, operating vehicles).

Any ECD capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE ECD

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

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands, other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all ECD discharges. If the discharge was due to an accidental deployment, the Training Coordinator shall be made aware to determine if additional training is required to safely operate the ECD.

If the discharge was purposeful and part of an incident, all probes, wires, and cartridges are to be collected and inspected.

(a) Any probes which impacted a person's skin are to be treated as a biohazard. The barbs are to be inspected to make sure no pieces were broken off and possibly still

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inside the subject's skin. This inspection should be done in front of a recording BWC. In addition, a photo shall be taken of each barb/probe and uploaded via Axon Capture.

1. If the use of the ECD resulted in, or was a component of, a serious injury or death of an involved individual, the ECD handle, magazine, expended cartridges, wires, and probes shall be packaged as evidence. The probes shall be placed in a sharps container and marked as a biohazard.
2. If the use of the ECD resulted in a probe embedding in a sensitive area of a subject, or resulted in medical assistance for removal, the probes shall be packaged and kept for safekeeping for a period of at least 90 days. The packaging shall be done in a sharps container and marked as a biohazard.

(b) Any discharge which did not result in contact with a subject and was not part of a major incident can have the probes, wires, and cartridges disposed of in a safe manner.

The involved ECD handle's battery shall be placed in a docking station prior to the end of the officer's shift to ensure the data is available as evidence if needed.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

Officers shall document all ECD discharges in the related arrest/crime reports. Photographs should be taken of any obvious probe impact sites. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. When necessary pursuant to the use of force review, data downloads from the ECD after use on a subject should be done as soon as practicable using a department-approved process to preserve the data. As needed, audit trail and pulse graph data should be added as evidence in the report.

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove ECD probes from a person's body. Used ECD probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by ECD probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following

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categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The ECD probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the ECD (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

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

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

304.9 TRAINING

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

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

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

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

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

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

The ECD training curriculum should include the following :

(a) A review of this policy

(b) A review of the Use of Force Policy

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin

(e) Scenario-based training, including virtual reality training when available

(f) Handcuffing a subject during the application of the ECD and transitioning to other force options

(g) De-escalation techniques

(h) Restraint techniques that do not impair respiration following the application of the ECD

(i) Proper use of cover and concealment during deployment of the ECD for purposes of officer safety

(j) Proper tactics and techniques related to multiple applications of ECDs

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Appleton Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

The Wisconsin Department of Criminal Investigations (DCI) will be contacted in the event there is an officer involved death. The Appleton Police Department may also have investigators work under the direction of DCI at their request. If there is no substantial risk of death to the involved subject, the Chief of Police will determine if an outside agency is contacted. CRITICAL INCIDENT INVESTIGATION - NO RISK OF DEATH TO SUBJECT PROCEDURE

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF INVOLVED SUBJECT'S ACTIONS

The investigation of any possible criminal conduct by the involved subject is controlled by the agency in whose jurisdiction the involved subject's crime occurred. For example, the Appleton Police Department would control the investigation if the involved subject's crime occurred in Appleton.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The

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investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved APD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved. Locate, identify and control witnesses.

(b) Identify and communicate the safe response routes for responding officers and other emergency personnel.

(c) Take reasonable steps to obtain emergency medical attention for injured individuals.

(d) Request additional resources from the Department or other agencies.

(e) Coordinate a perimeter or pursuit of suspects. Broadcast a description and direction of travel of suspects to other officers.

(f) Check for injured persons and evacuate as needed.

(g) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved APD supervisor should ensure completion of the duties as outlined above, plus:

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

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

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(b) If necessary, the supervisor may administratively order any APD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

(a) Public safety information shall be limited to such things as: injuries requiring immediate medical intervention, what type of force was used, outstanding suspect information, number and direction of any shots fired from officer(s) or suspect(s), perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.

(b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

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

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

(e) Ensure BWC's are turned off after all follow thru considerations are met.

(f) As soon as practicable, arrange for a Companion Officer to respond to the scene for each involved officer. Ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved APD officer should be given an administrative order not to discuss the incident with other involved officers or APD members pending further direction from a supervisor.

2. Each involved officer shall be given the opportunity to make contact with their family, by phone or in person, to let them know they are ok.

3. The coordination of collecting and replacing the involved officer's weapon should be done by members of the investigating agency, if possible. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

SUPERVISORY RESPONSIBILITIES

305.5.3 NOTIFICATIONS

The Chief of Police, as well as the Captain of Investigative Services or the Investigative Services Lieutenant, shall be notified as soon as practicable.

The Chief of Police will determine if an outside agency is required to conduct the investigation. In the event this is required, the Captain of Investigative Services will make arrangements for contact with DCI.

The Captain of Investigative Services will ensure the following persons are notified:

(a) The Chief of Police (if not already notified)

(b) The Assistant Chief

(c) ISU Lieutenant

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(d) Community Resource Unit Lieutenant

(e) Any additional required resources

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated (Wis. Stat. § 164.02(1)(b)).

1. Involved APD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-APD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.

(d) Involved officers, as necessary and with the assistance of their representatives, may participate in a walkthrough of the scene with investigators.

(e) A licensed psychotherapist shall be provided by the Department to each involved APD officer. A licensed psychotherapist may also be provided to any other affected APD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

2. When possible, within 72 hours of the incident, the Assistant Chief will arrange for an appointment with a traumatic stress professional for the officer(s) involved. The officer(s) will be required to attend this appointment. Depending on the need of the officer(s) and/or other family members, additional appointments can be scheduled if desired.

3. A separate return to duty assessment may also be required.

4. Recognizing that the effects of a critical incident can often have a delayed onset, follow-up appointments, approximately six months and one year after the critical incident, will be scheduled with a professional.This will be a mandatory meeting that will be coordinated by the Assistant Chief.

(f) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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Each involved APD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the agency scheduler to make schedule adjustments to accommodate such leave.

305.5.5 ROLE OF THE COMPANION OFFICER

The companion officer is a support resource to the officer involved in a critical incident. He/she should not discuss details of the incident with the involved officer.

The companion officer should ensure the involved officer is in a quiet area of the department, away from routine police activities. He or she should also limit access to the officer to ensure the officer's privacy.

The companion officer should monitor the officer's condition and summon medical aid, if needed. He or she should also limit the officer's intake of caffeine, as this may slow the reduction of physiological stress in the body, and should discourage watching or listening to news reports of the incident or listening to further police radio traffic.

The companion officer will likely be the point of contact for coworkers wanting to communicate with the involved officer in the days following the event. The companion officer should, however, assess whether the involved officer wants to communicate directly with others, realizing that some involved officers will feel isolated without the contact.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death, relying upon the investigation of the assigned outside agency. In the event of a death, the investigation must be conducted by no less than two investigators, one of whom is the lead investigator and neither of whom is employed by the APD (Wis. Stat. § 175.47(3)(a)). Upon conclusion of the investigation, all reports involving the use of deadly force resulting in injury or death should be submitted to the appropriate district attorney for review.

If the officer-involved death being investigated is traffic-related, the investigation must include the use of a crash reconstruction unit from a law enforcement agency separate from APD (Wis. Stat. § 175.47(3)(b)).

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The interview should generally take place 24 - 72 hours after the incident. The following shall be considered for the involved officer:

(a) APD supervisors and Assistant Chief personnel should not participate directly in any voluntary interview of APD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's

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statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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

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

305.6.1 REPORTS BY INVOLVED APD OFFICERS

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

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

Nothing in this section shall be construed to deprive an involved APD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose

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of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

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

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

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved APD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Assistant Chief and will be considered a confidential officer personnel file.

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

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the officer's prior statement before proceeding with any subsequent interviews.

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(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)). If an officer refuses to answer questions, the officer should be given the officer's *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Assistant Chief shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available body-worn video subsequent to providing a statement to investigators. They will also have the opportunity to review their statement and make any desired corrections, before it becomes an official report.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to

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review available body-worn video or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

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

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

305.10.2 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Chief of Police and the investigating agency. Media releases will be prepared and disseminated by the CRU Lieutenant or designated PIO.

No APD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

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

RELEASE OF INFORMATION PROCEDURE

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305.12 REPORTING

If the death of an individual occurs in the Appleton Police Department jurisdiction and qualifies to be reported to the Wisconsin Department of Justice, the Operations Division will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Wis. Stat. § 165.845(2)).

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Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the authorized department armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range. Throughout this policy, APD or officer owned firearms and/or duty handgun(s) shall imply "authorized firearms," unless otherwise stated Authorized duty firearms and ammunition are located in the list Firearms Appendix A 2025 update.pdf Requests for firearm use and modifications should be submitted using the Firearms Modification Approval Form (APD Form #227).

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

AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS PROCEDURE

306.3.1 HANDGUNS

Officers hired after February 1, 2019 will be issued either a Glock Model 17, 19,45, or 47 as their primary duty weapon. The Glock Model 26, Model 43X, and 48 are authorized, as a primary duty weapon, for non-patrol assignment use only. Handguns and magazines will be black in color

Officers hired prior to February 1, 2019, and authorized to carry a primary duty handgun, other than the Glock Models listed, will be allowed to continue to carry the make and model of handgun they identified on February 1, 2019, as their primary duty handgun. If an officer falling under this

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provision is approved to use a pistol other than a department-issued Glock, the Glock and issued magazines shall be returned to the Firearms Coordinator

Specialized Primary Duty firearms:

The Staccato 2011 models P, C2, and C are authorized for patrol duty use as a primary pistol. The Staccato model CS is authorized for non-patrol assignment. Officers wanting to use the Stacatto 2011 pistol must meet the following:

(a) Non-probationary officers who are in good standing without a current performance action plan.

(b) Those who have documented a minimum of 16 hours of training time on the Staccato 2011 with an APD firearms instructor authorized to carry the Stacatto 2011, or an equivalent training course from a vendor approved by the Firearms Coordinator.

After passing the WI DOJ handgun qualification with the Stacatto pistol, the officer will begin a 12-month probationary authorization period. This probationary period is solely pertaining to the carrying of the Staccato pistol as a primary handgun and is not affiliated with an officer's employment status as outlined in city policy or a collective bargaining agreement. Officers authorized to carry the Staccato pistol at the time of this policy change (spring 2025) may continue to do so without a probationary period.

During this probationary authorization period, the officer will be subject to random qualification attempts using the State of WI handgun qualification at the discretion of any firearms instructor authorized to instruct on or carry a Staccato 2011 pistol. These attempts may be varied in number and frequency, and may be held at any time while the probationary authorized officer is on scheduled duty time. There is no minimum or maximum number of random qualification checks, and the intent of the probationary status is to insure the officer maintains a high level of proficiency after the transition training. Officers must still pass at least one qualification for record per year, in accordance with the current Firearms Policy and Procedure.

Officers successfully completing the 12-month probationary authorization period will be subject to the annual handgun qualification procedure as outlined in this policy. Officers carrying the Staccato pistol are responsible for expenses for maintenance, parts, and other equipment necessary to carry the pistol.

(a) Stacatto pistol factory magazines shall be black or silver. A Firearms or Modification Approval form (APD 227) must be completed and submitted to the Firearms Coordinator along with a LTI and qualification approval prior to duty use.

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

Only APD owned and issued less lethal projectiles shall be used in the shotguns.

(a) CTS Super Sock bean bag rounds are the only authorized less lethal projectiles to be deployed or fired from the shotgun.

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Only officers who have completed specific APD training are authorized to fire a less lethal shotgun round on-duty other than in approved training.

APD-owned and issued frangible shotgun rounds may be used for euthanizing injured animals and for breaching secured areas in emergency situations consistent with APD training.

When not deployed, the shotgun shall be properly secured consistent with department training.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifles are the Rock River or Sons of Liberty.223 Caliber Carbines.

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

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must complete form APD 227 and be approved by the Firearms Coordinator. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order.

(b) The firearm shall be inspected by an APD armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Coordinator on form APD 227, who will maintain a list of the information.

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306.3.5 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and approved by the Firearms Coordinator on form APD 227.

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

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the ammunition is provided by the Department. The Firearms Coordinator must approve any ammunition not supplied by the department.

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

(e) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) The department may supply a limited quantity of certain loadings of Speer Gold Dot duty ammunition in calibers.380 ACP,.38 Special, 9mm Luger,.40 S&W, and.45 ACP..

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

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

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines (Wis. Stat. § 941.23):

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

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

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

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

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued duty ammunition in the specified quantity for all department-issued firearms. Replacements for

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unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

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

(a) Only firearms that have been authorized by this agency may be carried on duty or concealed while off duty while operating city owned vehicles.

(b) Officers shall be armed with a primary duty handgun while on duty.

(c) Officers shall be armed with a primary or secondary duty handgun while operating a marked or unmarked patrol vehicle while off-duty.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or a department armorer.

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

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

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. A supervisor may order an officer to replace any holster deemed unserviceable.

306.4.3 TACTICAL LIGHTS

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

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Coordinator. Any approved sight shall only be installed in strict accordance with manufacturer specifications. An officer wishing to carry a handgun with an approved RDS (red dot sighting) or PMO (pistol mounted optics) component must attend a

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department-sanctioned transition course. This course may be conducted by qualified APD staff, or an officer may receive the transition training from a vendor approved by the Firearms Coordinator.

After a successful WI DOJ-approved handgun qualification using an RDS/PMO equipped handgun, the officer will then enter a 12-month probationary authorization status. This status only pertains to the continued authorization by the department of the officer to carry a RDS/PMO sight on their pistol on duty, and is not in any way affiliated or otherwise connected to their employment status as outlined in city policy or any collective bargaining agreement. During this 12-month probationary authorization status, the officer will be subject to random qualification attempts using the State of WI handgun qualification at the discretion of any firearms instructor authorized to instruct on or carry an RDS/PMO sight on their duty pistol. These attempts may be varied in number and frequency, and may be held at any time while the probationary authorized officer is on scheduled duty time. There is no minimum or maximum number of random qualification checks, and the intent of the probationary status is to insure the officer maintains a high level of proficiency post transition training. Officers must still pass at least one qualification for record per year, in accordance with the current Firearms Policy and Procedure.

This probationary status does not apply to officers already authorized to carry an RDS/PMO sight on their primary duty handgun as of the changing of this policy, spring 2025.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor.

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

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

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

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

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not

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be carried. It shall be promptly presented to the Department or a armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service will be immediately removed from service. If the firearm is the member's primary duty Glock, a replacement firearm will be issued to the member until the duty firearm is serviceable.

(h) Duty firearms removed from a holster or other carrying device for anything other than authorized purposes such as storage, tactical use, training, qualification, inspection, or cleaning, and maintenance is prohibited. Any careless or casual use or display of a firearm will constitute grounds for discipline up to and including termination.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall insure the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction.

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

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

Officers may be allowed to qualify with up to a total of three (3) handguns that meet APD specifications. This may include up to tow (2) primary duty handguns and one (1) secondary handgun or one (1) primary duty handgun and two (2) secondary handguns. Officers will be allowed to qualify with one (1) patrol rifle meeting APD specifications. SWAT Team snipers may possess three (3) rifles.

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

FIREARM QUALIFICATIONS PROCEDURE

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION
All officers must pass an annual Wisconsin Department of Justice-approved handgun qualification course.

Officers will be allowed no more than two attempts to qualify during a formal qualification course with any authorized firearm. Officers who fail to qualify with their primary duty handgun or the patrol rifle on the first day shall be subject to the following requirements:

(a) The officer's unit commander shall be notified and will promptly arrange for remedial firearms training, which shall take place within one week. Such training does not preclude an officer from engaging in any additional informal practice or training sessions the officer may deem necessary.

(b) Immediately following the remedial training, the officer shall be given an additional two attempts to pass the qualification course. The Firearms Coordinator shall submit a written report to the unit commander of any officer who fails to qualify after the second attempt. The report shall include the firearms instructor's (or multiple instructors') recommendations for corrective action.

Any officer who fails to qualify with their primary duty firearm despite remedial training and a second attempt to qualify shall be placed on administrative leave, pending the outcome of an administrative hearing and/or fitness for duty evaluation as determined by the Chief of Police.

(a) Pending the outcome of an administrative hearing, the officer shall not be authorized to carry any firearm on or off duty.

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

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

(a) All intentional discharges of APD owned or authorized officer owned firearms, not related to training, shall be reported to an on-duty APD Supervisor, as soon as possible.

(b) All un-intentional discharges of APD owned or authorized officer owned firearms shall be reported to an on-duty APD Supervisor. The supervisor will contact a member of Command Staff to assess what next steps, if any, are needed. Minimally, the

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involved member shall complete a written statement to submit to the Assistant Chief documenting the details of the incident.

1. If the un-intentional discharge causes an injury, the member shall render first aid and activate EMS as necessary. The police jurisdiction of record where the incident took place shall also be notified of injury incidents if the incident is outside of Appleton.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, electronic control device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.8 RANGEMASTER DUTIES

The APD Rangemaster will maintain the overall operation and functional condition of the APD range. The Rangemaster will conduct an annual inspection of the range target and air exchange systems to verify their condition. The Rangemaster will conduct random checks to verify range cleanliness and will maintain scheduled lead and brass removal as needed. The Rangemaster will maintain an adequate stock of Wisconsin DOJ qualification targets and other targets deemed necessary. The Rangemaster will maintain the necessary amount of supplies for the operation and cleanliness of the range to include adhesive spray, target backers and cleaning supplies.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules

(b) Officers must carry their Appleton Police Departmentidentification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must

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present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Appleton Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the 's travel. If approved, TSA will send the Appleton Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Appleton identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property,

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or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

306.11 FORMER APD OFFICER CCW CERTIFICATION

Former police officers from the Appleton Police Department who meet the standard set forth in the State of Wisconsin CCW law and the new version of Federal Act HR 218 will be afforded the opportunity to qualify with one hand gun for the purpose of carrying a concealed weapon.

The Rangemaster or designee will select two dates per calendar year when the qualification courses will be offered. The dates will be posted on APD website or can be obtained by calling the APD.

Former APD officers must complete a registration/background form (APD Form 206 A). Upon verification of eligibility, the former officer may register for the next available qualification date.

The Appleton Police Department will only provide the use of the indoor range and an on-duty instructor, free of charge, on these dates. A state certified Firearms Instructor will accompany the former officer(s) and shall conduct all of the training.

If the former APD officer successfully qualifies he or she will receive a City-issued certification card valid for one year from the date of qualification. Former APD officers shall qualify by passing the WI DOJ Minimum Certification Standard. The instructor shall have the final say as to a pass or fail of the qualification course. If he or she fails to qualify, he or she will be afforded one additional attempt on the same date as the first attempt. If he or she fails the second attempt, he or she will not receive a City-issued certification card. Any certification card costs incurred will be paid by the former APD officer.

Former APD officers wishing to participate shall provide a total of forty-four rounds of ammunition for the qualification courses. The ammunition shall be new factory or factory reloaded ammunition from a nationally recognized ammunition manufacturer. No hand loaded ammunition will be allowed. Former APD officer may wish to bring forty-four additional rounds in the event a requalification attempt is required. The former officer must sign a Firearms Range Waiver Form (APD Form 206B). Safety equipment will be provided and must be worn as directed by the instructor. Safety equipment will include; hearing protection, eye protection, and body armor. Participants will adhere to the safety and use of indoor firearms range guidelines.

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Officer Response to Calls

307.1 PURPOSE AND SCOPE

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

307.2 RESPONSE TO CALLS

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

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

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

307.3 REQUESTING EMERGENCY ASSISTANCE

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

307.3.1 NUMBER OF UNITS PARTICIPATING

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

307.4 INITIATING EMERGENCY RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the Communications Center.

307.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

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

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

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(a) Disregard regulations governing stopping, parking or standing when using a red or red and blue flashing, oscillating or rotating light. Use of the flashing yellow lights on the overhead light bar or 4-way hazard flashers without also using the emergency lights does not exempt police and CSO vehicles from the parking regulations.

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

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

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

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

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

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

307.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

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

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

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

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

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

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

Emergency lighting alone may be used to affect a simple traffic stop. However, the siren shall be engaged if the target vehicle fails to respond.

307.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Confirm the location from which the unit is responding.

(c) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(e) Control all radio communication during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor.

307.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated.

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

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

The supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Patrol Lieutenant or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response

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- Traffic and roadway conditions
- The location of the responding units

307.8 FAILURE OF EMERGENCY EQUIPMENT

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

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

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Canines

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

It is the policy of the Appleton Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

308.3 ASSIGNMENT

Canine teams are assigned to the Patrol Division. They are expected to respond to routine calls for service, unless they are needed for canine-related duties.

Canine teams are available on a 24-hour, on-call basis. An employee assigned as a canine handler will ensure that the front desk has up-to-date contact information to be reached during off-duty hours unless on a scheduled leave day or with prior approval of his or her supervisor. The employee will not receive additional compensation for being available via phone. If a handler cannot be reached, the canine coordinator should be contacted.

The City shall be responsible for expenses related to its dogs' care and maintenance, as deemed necessary by the City e.g. outdoor pen, kennel training supplies, as well as required licenses, immunizations, and medical visits. The immunizations and medical needs shall be provided by the City's chosen veterinarian, with prior approval, absent exceptional circumstances. Decisions regarding the medical treatment for the canine will be made by the department.

308.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Captain(s).

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

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(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

308.5 REQUESTS FOR CANINE TEAMS

Operations division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Patrol Lieutenant.

If a canine team is off-duty, assistance shall be requested through a supervisor. The supervisor shall determine if he/she needs to call in the canine team.

Police canines shall not be used for breeding, participation in shows, field trials, exhibitions or other demonstrations, or on or off duty employment unless authorized by the Chief of Police or his designee.

308.5.1 OUTSIDE AGENCY REQUEST

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

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

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

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

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

(e) Canine handlers should utilize at least one Appleton officer when tasked to conduct tactical canine operations for outside agencies.

The Chief of Police will periodically review the use of the canine team outside of the city to ensure proper usage.

308.5.2 PUBLIC DEMONSTRATION

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

308.6 APPREHENSION GUIDELINES

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

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

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

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

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

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

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

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

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

Police canines shall not normally be handled, or given commands, by anyone other than the assigned handler. Canines may be directed or controlled by another officer during emergency conditions or under authorization of the handler.

308.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

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

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

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

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

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

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

308.6.2 WARNINGS AND ANNOUNCEMENTS

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

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

308.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident report, use of force report in Axon Standards, and arrest report.

A written report shall include:

- The circumstances surrounding the incident
- The identity of the individual involved
- Any Witnesses
- The extent of the injuries if known. Injuries shall be photographed after medical treatment to depict their extent accurately.

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

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

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

308.7 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

Trained police canines may be used to track criminal suspects or to locate evidence that the officer(s) has reason to believe has been abandoned or hidden in a specified open area. A supervisor should be notified prior to beginning a track and given updates throughout the track.

When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team shall:

(a) Stop and pinpoint the location where the suspect was last seen.

(b) Avoid vehicle or foot movement in the area where the suspect or subject was last seen.

308.7.1 ARTICLE DETECTION

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

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308.7.2 NARCOTICS DETECTION

The utilization of a canine to detect illegal drugs in support of a “search” is governed by applicable case law and the criteria set forth in the Search and Seizure policy. In addition, the utilization of a canine to conduct a “canine sniff” for the presence of illegal drug odor is allowed when there is no reasonable expectation of privacy in the target area.

Whenever possible, exploratory sniffing in public facilities should be conducted with the advance knowledge of the facility manager. It should be conducted without interference or annoyance to the public or interruption of facility operations.

- Police canines may not be used to sniff luggage or related personal items in the physical possession of an individual in a public facility or place unless both of the following applies:
    - There is reasonable suspicion that the personal possession contains illegal drugs or evidence of a crime.
    - The time required to conduct the sniff is limited in duration.
- The use of drug detection canines in schools is allowed when requested by school administration and in situations where there is reasonable suspicion to believe that illegal drugs are being sold, possessed, and/or consumed on the premises.
    - When reasonably possible, the school principal or designated authority should be contacted in advance of the sniffs.
    - The canine sniffs should be limited to inanimate objects under the control of the school or areas where there is no reasonable expectation of privacy.
- The use of a canine for the detection of illegal drugs in motor vehicles located in areas open to the public, may occur when any of the following applies:
    - There is reasonable suspicion to believe that the operator or passengers are in possession of illegal drugs.
    - The canine sniff is limited to the exterior of the vehicle.
    - Any other time when a search of a vehicle is otherwise authorized.

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

308.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

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

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

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

308.7.4 BUILDING SEARCHES

Canine building searches may be conducted in a number of situations for the purpose of locating potentially dangerous subjects. Officers should secure the building perimeter and await the arrival of the canine team. Upon arrival, the canine handler will take charge of the building search and will direct the activities of the assisting officers.

Before commencing a building search by use of a canine, the handler shall announce a verbal warning, unless such a warning would increase the threat of injury to officers or others. The verbal warning shall include the following:

(a) The identity of the police department with jurisdictional authority.

(b) A police dog is present and will be used to search the building.

(c) Clear instructions to persons occupying the building.

(d) Consequences to persons failing to comply with instructions.

(e) The verbal warning shall be given in a loud and clear manner.If known, a reasonable attempt to give a warning in the language of the suspect should be made.

(f) If practical, the announcement should be repeated and an attempt should be made to record this announcement.

(g) A reasonable amount of time shall be allowed for the suspect to respond.This warning should be repeated throughout the search if it is probable that earlier announcements could not have been heard.

To reduce the potential for bite or injury to person(s) who may be lawfully inside the building, responding officers shall make reasonable efforts to contact the building owner or caretaker to try to determine whom, if anyone, should be in the building.

The canine should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present.

308.7.5 CROWD CONTROL

Canine teams may respond as backup but may not be deployed for crowd control at peaceful demonstrations. Canine teams may be used upon approval of the Chief of Police or designee to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made. In these situations, the canine shall:

(a) Be leashed at all times to protect individuals from serious injury.

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(b) Not initiate any action, unless to guard against imminent loss of life, serious bodily harm, or substantial property damage and is necessary to effect an arrest.

308.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Living within a 25 mile radius of the City of Appleton and eligible to participate in the one-to-one vehicle program. (See Appendix A (25 Mile Radius Map))

(c) Agreeing to be assigned to the position for a minimum of six years, understanding that the length of the assignment may be influenced by the service life of the dog.

The City reserves the right to determine the shift assignment of the canine handler. The work schedule is established in the collective bargaining agreement.

308.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm. Teasing, agitating or roughhousing with a police canine is strictly prohibited unless performed as part of a training exercise.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine supervisor has the discretion to decide where the vehicle should be stored.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(f) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured so the canine cannot release itself. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler. Handlers shall not permit anyone to pet or hug their canine without their prior permission and immediate supervision

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(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Lieutenant.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Lieutenant.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

(k) Maintaining records that document the use and the proficiency of individual canines. This documentation shall be readily available to the canine team coordinator for review of performance and qualifications and others who may need it when seeking warrants.

308.9.1 CANINE IN PUBLIC AREAS

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

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

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

308.10 HANDLER COMPENSATION

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

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

308.11 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the Fox Valley Animal Referral Center (FVARC). All records of medical treatment shall be maintained in the handler's personnel file.

308.12 INJURED HANDLER

The canine team train and work together. The canine's behavior may significantly change if the handler is injured and unable to give commands to the canine. These circumstances can create the potential for the canine to become defensive. If a canine handler is injured and unable to give commands to their canine, the canine may stand guard and prevent anyone from approaching. Under such circumstances, officers should conduct themselves as follows:

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(a) Do not rush in on the handler or the dog.

(b) Call to the handler.If able to, the handler will call the dog off.

(c) If the handler does not respond, position the canine vehicle near the canine with all windows up and either rear door open.

(d) Using an authoritative voice, call the canine by name and attempt to verbally direct it into the vehicle. Close the door behind and wait for another officer to transport the canine to the station.

(e) If available, request the assistance of another canine officer.

If the employee or the dog(s) are unable to perform in their respective capacities because of circumstances that remove them from work, e.g. illness or injury, the department reserves the right to terminate the assignment or reassign the dog to another handler. The 20 minutes of overtime pay awarded for care and maintenance of the canine will not apply if a handler's dog is reassigned. The compensation will be awarded to the person to whom the dog is assigned.

308.13 END OF SERVICE LIFE OR ASSIGNMENT

When the dog's service life as a police canine has been exhausted, the employee assigned as the dog's handler at the time shall be allowed to purchase the dog for $1.00. An employee assigned as a handler of a dog owned by the MEG shall be given the same opportunity. The final determination of a dog's useful service life shall be made by the owning agency, either the Appleton Police Department or the Lake Winnebago Area MEG.

If, upon conclusion of an employee's assignment as a canine handler, the canine has useful service life remaining, it shall be the choice of the owning agency whether to retire or reassign the dog. In the event the ownership of the canine is transferred to the handler, the 20 minutes of overtime pay for care and maintenance of the canine, as well as any additional financial support for the direct care and maintenance of the dog, will cease.

308.14 TRAINING

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

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

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

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308.14.1 CONTINUED TRAINING

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

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

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

308.14.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

308.14.3 TRAINING RECORDS

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

308.14.4 TRAINING AIDS

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

308.14.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

Controlled substance (CS) training aids utilized for the training of drug detection police canines shall be procured through the Appleton Police Department Evidence Unit, the Lake Winnebago Area MEG (LWAM) Unit, and/or the Drug Enforcement Agency (DEA).

308.14.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

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(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances. CS training aids produced thru LWAM will be approved by the Special Agent in Charge. CS training aids procured through the Evidence Unit will be approved by the Chief of Police

(d) All controlled substance training samples will be inspected, weighed, and tested periodically. The results of the testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Evidence Unit or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

308.14.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Wis. Stat. § 941.31; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure day box appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

308.15 EQUIPMENT VEHICLE OPERATION AND CONTROL

Canine vehicles assigned to canine officers will be used for transporting the canine, responding to calls for service, training or any other assignment determined by the canine officer's supervisor.

(a) These vehicles will also be utilized in transporting the canine to and from the officer's private residence and/or transportation of the animal in emergency and non-emergency situations to designated animal clinics.

(b) Canine handlers are responsible for the operation and maintenance of canine vehicles in accordance with department policy.

Canine vehicles will only be operated by assigned canine officers unless approved by the canine handler or supervisor.

To prevent the spread of disease and parasites to a department canine, the canine vehicle shall not be used to transport non-police canines.

Canine vehicles should be equipped with the following items:

(a) Emergency front and rear lights and siren

(b) Canine cage insert

(c) , Public address system and mobile data computer

(d) Tinted windows

(e) Temperature monitoring system that includes safety devices to prevent the overheating and possible injury/death of the canine

(f) A "bail out" system which allows the handler to, by remote control, release the canine from the vehicle

Canine vehicles should also contain supplies and emergency equipment necessary for deployment to include the following items:

- Spare leashes
- Spare collar(s)/choke chain(s)
- Long line(s)
- Tracking harness
- Bite sleeve
- Muzzle
- Water and water dish
- Canine first aid kit

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Domestic Abuse

309.1 PURPOSE AND SCOPE

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

309.1.1 DEFINITIONS

Definitions related to this policy include:

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

Protection order – the full faith and credit provision of the Violence Against Women Act (VAWA) defines ‘protection order’ as any civil or criminal restraining order, injunction, bail or release order, probation condition, and all other orders for protection issued to protect victims of domestic violence, sexual assault, dating violence or stalking or to deter offenders from further violence or abuse. VAWA also encompasses protections contained in support, child custody and visitation orders and protective directives in other court orders. Emergency, ex parte, temporary and final orders are subject to full faith and credit under VAWA.

Ex parte Order – An emergency or temporary order issued prior to providing the respondent with notice or a hearing. Ex parte orders are entitled to full faith and credit if the respondent has notice of the order and will have an opportunity to be heard in court within the time required by state, territorial or tribal law, or within a reasonable time after the order is issued, consistent with due process. Orders must be enforced even if the respondent has not yet had an opportunity to be heard or provide testimony in the issuing court.

Mutual Orders of Protection – A protection order is issued against both the petitioner and respondent. This type of order is only entitled to full faith and credit or enforcement against both parties if the respondent filed a counter petition and the court made a specific finding that each party was entitled to a protection order. Otherwise, the order is only enforceable against the respondent and in favor of the petitioner.

309.2 POLICY

The Appleton Police Department's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible. Early intervention is critical to the effort of reducing the frequency and escalation of domestic abuse, and ultimately lessening the inherent danger to the parties involved.

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The department shall provide training on this policy to all employees with a responsibility to respond to domestic abuse incidents. Furthermore, the department shall provide instruction to all employees regarding the role of the agency in matters of domestic abuse involving a law enforcement employee. The training shall include periodic updates as circumstances dictate.

309.3 OFFICER SAFETY

The investigation of domestic abuse cases puts officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved. Caution should be exercised when approaching the location of a domestic dispute and when handling the incident itself. The first responding officer should wait until a backup officer arrives at the scene before entering the site of the incident unless circumstances require immediate action.

309.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for possible follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer in the event that the injuries later become visible. Arrangements shall be made for these injuries to be photographed. Officers may consider the use of a SANE/Forensic Nurse for injury photographs when warranted.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

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(i) When completing an incident or arrest report for violation of a court order, officers should include specific information whichestablishes the respondent (offender) has been served, including the date the respondent was served, the name of the agency which served the order, and the provision of the order the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

1. In instances where the conduct prohibited by the order of protection is also conduct constituting another offense, the offender shall be charged with violation of the order of protection and the independent offense.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.
12. An officer's decision as to whether or not to arrest may not be based upon the consent of the victim to any subsequent prosecution or solely on the relationship of the parties (Wis. Stat. § 968.075(3)).
13. An officer's decision not to arrest may not be based solely upon the absence of visible indications of injury or impairment (Wis. Stat. § 968.075(3)(d)).

INVESTIGATIVE RESPONSE PROCEDURES

When investigating complaints where an officer or non-sworn law enforcement agency employee is potentially involved in the incident, refer to the 2023 OC LE employee involved DV policy.pdf.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

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(b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

(c) Explain VINE notification program.

309.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

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

(a) Recognize that a victim's behavior and actions may be affected. Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of crime. Complete the Lethality Assessment Screening (APD Form #076A) if the incident involved intimate partner violence.

(a) Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075). The officer will provide the victim with a Crime Victim Rights Form from the appropriate county.

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

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

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

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

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

(g) Refer the victim to services specifically to assist victim in obtaining an order of protection if appropriate.

ASSESSING LETHALITY OF RISK PROCEDURE

309.6 DISPATCH ASSISTANCE
All calls of domestic abuse, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

309.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

VERIFICATION OF FOREIGN COURT ORDER PROCEDURES

309.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

VERIFICATION OF COURT ORDER PROCEDURES

309.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

309.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

(a) Officers with reasonable grounds to believe a person is committing or has committed within the last 28 days, an act of domestic abuse, and the actions constitute a crime, shall arrest the person unless a supervisor grants an exception because any of the following apply (Wis. Stat. § 968.075(2)):

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1. There is no reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
2. There is no evidence of physical injury to the alleged victim.
3. No involved person subject to arrest was a predominant aggressor.

(b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating officer should only arrest the predominant aggressor. The officer shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):

1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.
2. Statements made by witnesses.
3. The relative degree of injury inflicted on the parties.
4. The extent to which each person present appears to fear any party.
5. Whether any party is threatening or has threatened future harm against another party or another family or household member.
6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48.
7. If an officer identifies the predominant aggressor, it is generally not appropriate for an officer to arrest anyone other than the predominant aggressor. Officers who believe that it is necessary to arrest two or more people from a single domestic incident, must review their investigation with an operations supervisor and get the supervisor's approval before making multiple custodial arrests. (Wis. Stat statute 968.75(2)(am).

(c) An officer shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Nor may an officer release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

(d) An officer with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).

(a) If an officer reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the officer should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).

(b) In instances where the conduct prohibited by the order of protection is also conduct constituting another offense, the offender shall be charged with violation of the order of protection and the independent offense.

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(c) No person, including the petitioner, can authorize the violation of a court order. An order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. (Wis. Stat. § 813.12(3)(c)).

(d) The petitioner does not violate the court order if he or she permits into his or her residence; a person specified under the order to avoid the residence (Wis. Stat. § 813.12(8)(b)).

(e) An officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

BOOKING PROCEDURES

309.9.2 REPORTS AND RECORDS

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

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Search and Seizure

310.1 PURPOSE AND SCOPE

Both the United States and the Wisconsin Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Appleton Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

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

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

310.3 SEARCHES

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

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

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Statutory authority
- Act 79 searches

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

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

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

SEARCH AND SEIZURE PROCEDURE

310.3.1 CONSENT SEARCH

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

310.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

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

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

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
3. The officer's BWC shall be activated during the search.

310.5 DOCUMENTATION

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized

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- If the person searched is of the opposite sex, any efforts used to summon an officer of the same sex as the person being searched and the identification of any witness officer

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

310.5.1 PAROLE AND PROBATION SEARCHES

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

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

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

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

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

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

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

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

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

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

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Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Appleton Police Department (34 USC § 11133).

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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

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(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile is kept within the secure perimeter of a jail or lockup after booking/ processing is completed even if a department member is present and visually supervising.

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

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

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

311.2 POLICY

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

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Appleton Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Appleton Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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

311.3.1 EMERGENCY MEDICAL TREATMENT

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

311.3.2 SUICIDE PREVENTION

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

311.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Appleton Police Department without authorization of the arresting officer's supervisor or the Patrol Lieutenant.

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

311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Appleton Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

Juvenile status offenders may be held for processing in the secure booking area, not to exceed one hour.

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311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Appleton Police Department.

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

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

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

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

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

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

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

SECURE/NON-SECURE DETENTION OF JUVENILE PROCEDURE

311.4.4 SECURE CUSTODY

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others or running away. Secure custody should not be used for convenience when non-secure custody is, or later becomes, a reasonable option.

The circumstances that justify any secure custody should be documented and approved by a supervisor.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

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(b) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(c) Juveniles shall have constant auditory access to department members.

(d) Initial placement into and removal from a locked enclosure shall be logged.

(e) Random personal visual checks of the juvenile by staff member, no less than every 30 minutes, shall occur.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

311.4.5 RELEASE AFTER PROCESSING

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

311.5 ADVISEMENTS

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

311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Appleton Police Department.

311.7 NO-CONTACT REQUIREMENTS

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

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

311.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

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

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

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

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

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

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

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

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

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

311.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Appleton Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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

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

311.10 PERSONAL PROPERTY

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

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Appleton Police Department.

311.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Investigations and Support Services Captain will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Appleton Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigative Services Unit supervisor.

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

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

311.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

GUIDELINES FOR CONDUCTING CUSTODIAL INTERROGATIONS OF JUVENILES

311.12.1 RECORDING CUSTODIAL INTERROGATIONS

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

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

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

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

(a) The juvenile refuses to respond or cooperate in the interrogation if a recording is being made.

    1. The juvenile's refusal shall be documented by contemporaneous audio or audio-and-visual recording or in a written report.

(b) The juvenile's statement is made in response to a question asked as part of the routine processing.

(c) The juvenile's statement is made spontaneously and not in response to a question.

(d) The officer, in good faith, fails to make a recording because the equipment does not function, or it malfunctions, stops operating or the officer inadvertently fails to operate the equipment properly.

(e) Exigent public safety circumstances exist that prevent the officer from making a recording or that render the making of such a recording infeasible.

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

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

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

311.13 RESTRICTIONS ON FINGERPRINTING AND PHOTOGRAPHING

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

(a) For an offense that is a felony

(b) For an offense that is a misdemeanor or a violation of an ordinance involving burglary tools, commercial gambling, dealing in gambling devices; for contributing to the delinquency of a child, dealing in stolen property, possessing and selling controlled substances under Wis. Stat. Chapter 961; for violations involving firearms, dangerous weapons, explosives; for pandering, prostitution, or committing violations involving sex offenses where children are victims; or for issuing worthless checks

(c) For an offense charged as disorderly conduct but that relates to an act connected with one or more of the above offenses

(d) If the juvenile is a fugitive from justice

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311.13.1 JUVENILE PHOTOGRAPHS AND RECORDS

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

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

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Adult Abuse

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

312.3 NOTIFICATION

Members of the Appleton Police Department should notify the appropriate county elder-adult/ adult-at-risk agency when an officer takes a report of adult abuse of an elder at risk or adult at risk.

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

Members should immediately notify the Division of Quality Assurance, Office of Caregiver Quality regarding an adult who was abused in a care facility or while under the care of a facility.

312.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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

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312.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom they made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

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

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

312.5.1 REQUEST FOR ASSISTANCE

If requested, a member shall accompany an investigator or worker of an elder-adult-at-risk agency or an adult-at-risk agency during visits to a residence of a victim and provide assistance as requested or necessary when (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)):

(a) The investigator or worker is investigating suspected abuse, neglect, self-neglect or financial exploitation.

(b) The victim is 60 years of age or older or is 18 years of age or older and has a physical or mental condition that substantially impairs their ability to care for their own needs.

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

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themself, the officer should make reasonable attempts to contact the appropriate county elder-adult/adult-at-risk agency. Generally, removal of an adult abuse victim from their

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family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from their family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the appropriate county elder-adult/adult-at-risk agency.

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

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312.8 MEDICAL EXAMINATIONS

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

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

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Special Investigations Unit Lieutenant/School Resource Unit Lieutenant should:

(a) Work with professionals from the appropriate agencies, including the appropriate county elder-adult/adult-at-risk agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Services supervisor that they have responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

312.9.2 OFFICER RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Special Investigations Unit so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

312.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

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(a) Providing a copy of the adult abuse report to the appropriate county elder-adult/adult-at-risk agency as required by law.

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

312.10.2 RELEASE OF REPORTS

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

312.10.3 RESTRAINING ORDER

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

If the appropriate county elder-adult/adult-at-risk agency is unwilling or unable to obtain a restraining order, the handling officer may attempt to obtain the restraining order on the victim's behalf. Action taken by the officer should be documented in any related report.

312.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

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

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

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313.3.2 RETALIATION

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

313.3.3 SEXUAL HARASSMENT

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

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

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

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

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

313.3.4 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the State of Wisconsin, Department of Workforce Development, Equal Rights Division guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.3.5 STATE DISCRIMINATION LAW

Unlawful employment practices include discrimination against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters (Wis. Stat. § 111.31).

313.4 RESPONSIBILITIES

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

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

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

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

313.4.1 SUPERVISOR RESPONSIBILITY

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

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

313.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

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313.4.3 QUESTIONS OR CLARIFICATION

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

313.5 INVESTIGATION OF COMPLAINTS

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

313.5.1 SUPERVISOR RESOLUTION

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

313.5.2 FORMAL INVESTIGATION

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

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

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

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

313.5.3 ALTERNATIVE COMPLAINT PROCESS

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

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313.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the Mayor, or the Human Resources Director, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

313.6.1 NOTIFICATION OF DISPOSITION

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

313.7 TRAINING

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

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

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Child Abuse

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

314.2 POLICY

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

Officers should follow the guidelines set forth in the OCART MOU.

314.3 MANDATORY NOTIFICATION

Members of the Appleton Police Department shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

(a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.

(b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.

(c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.

(d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.

(e) Cases where the child has been involved in sex trafficking or prostitution.

(f) Cases involving sexual intercourse or sexual contact, sexual exploitation of a child, causing a child to view or listen to sexual activity, and exposing genitals, pubic area, or intimate parts.

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For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

314.3.1 NOTIFICATION PROCEDURE

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

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

(b) Notification, when possible, shall contain at a minimum:

1. The name, address, age, sex and race of the child.
2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
4. The family composition.
5. The source of the report and the name, address and occupation of the person making the report.
6. Any action taken by the reporting source.
7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.

(c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate county coroner or medical examiner shall also be notified (Wis. Stat. § 48.981(5)).

314.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

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

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

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

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

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the appropriate county department or licensed child welfare agency. Generally, removal

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of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

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

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

(a) A court has ordered the removal of the child.

(b) An officer believes on reasonable grounds that any of the following conditions exist:

1. A court has ordered the removal of the child.
2. The child is suffering from illness or injury or is in immediate danger from the child's surroundings and removal from those surroundings is necessary.
3. The child has been abandoned (Wis. Stat. § 48.13(2)).

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

314.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

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

314.6.2 SAFE HAVEN LAW

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

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting

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a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

The officer shall provide the parent with the toll free number to the Department of Children and Families, (877-440-2229) or the appropriate social services brochure with this phone number and other relevant information (Wis. Stat. § 48.195; Wis. Admin. Code § DCF 39.09).

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. These interviews should be conducted by an investigator familiar with WIFIG guidelines. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

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

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

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

314.9 DRUG-ENDANGERED CHILDREN

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

314.9.1 SUPERVISOR RESPONSIBILITIES

The SRO Coordinator and SIU Supervisor should:

(a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies a supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

314.9.2 OFFICER RESPONSIBILITIES

Officersresponding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify a supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

314.10.1 CRIMINAL PROSECUTION

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

314.10.2 RELEASE OF REPORTS

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

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314.10.3 CHILD DEATH REVIEW TEAM

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

314.10.4 COURT ORDERS

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

314.10.5 MANDATORY COORDINATION

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

314.10.6 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD

An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of the court order.

314.11 TRAINING

The Department should provide training on best practices in child abuse and sensitive crimes investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting minimal facts interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for their chronological age and developmental stage
2. Mentally or behaviorally disabled
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
4. Absent from home for more than 24 hours before being reported to law enforcement as missing
5. In a life-threatening situation
6. In the company of others who could endanger their welfare
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk

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

(d) Are veterans or active-duty members of the military and there is reason to believe that they are at risk due to a physical or mental health condition, and a report was made within 72 hours of their disappearance (Wis. Stat. § 175.51)

(e) Are under 18 years of age, their location is unknown, they do not qualify for another alert (e.g., AMBER Alert), and there is reason to believe they are not capable of returning home without assistance because of a physical or mental condition, a disability, or they are under 10 years of age (Wis. Stat. § 175.51)

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

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Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

315.2 POLICY

The Appleton Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigative Services Lieutenant shall ensure the following forms and kits are developed and available:

- Wisconsin DOJ Missing Person Worksheet (Wis. Stat. § 165.785)
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

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

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

315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

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(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast an "Attempt to Locate (ATL)" if the person is under 16 years of age or there is evidence that the missing person is at risk. The ATL should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

315.6 REPORT PROCEDURES AND ROUTING

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

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

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(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

MISSING PERSON SUPERVISOR PROCEDURAL RESPONSIBILITIES

315.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 INVESTIGATIVE SERVICES FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

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(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the XXX MedicalExaminerJOP XXX.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the officer shall interview the missing person and evaluate the circumstances surrounding the missing person's disappearance and the potential for any criminal charges or further police intervention, to include the collection of any available evidence.

The officer shall notify the initial reporting person of the well being of the missing person, as well as the location and contact information of the missing person if the victim is a child. Location and contact information of a missing adult may be disclosed to the reporting person if the located adult permits the disclosure. If possible, the assigned officer should be responsible for all communications with the reporting person.

Depending on the circumstances of the disturbance, the officer should consider the need for medical examination, intervention, counseling or other services for either the missing person and/or the reporting person.

The Investigative Services Lieutenant should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

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(d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.

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

315.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Investigative Services Lieutenant may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Appleton or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response

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5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps, including utilizing the CART Team, if applicable.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Appleton Police Department should notify their supervisor, Patrol Lieutenant or Investigative Services supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Community Resource Unit Lieutenant when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

316.4 AMBER ALERTS™

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

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

AMBER ALERT PROCEDURE

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316.4.1 CRITERIA

The Wisconsin AMBER Alert Plan requires the following criteria to exist before activation can occur:

(a) The child must be 17 years of age or younger

(b) The child must be in danger of serious bodily harm or death

(c) The Department has enough descriptive information about the child and the person who is suspected of abducting the child, and/or the suspect vehicles, to believe a broadcast will help locate the child

The AMBER Alert is not to be used for runaways or family abductions unless the child’s life is in danger.

The single point of contact to request activation of an AMBER Alert is the Wisconsin State Patrol's Traffic Management Center at 1-844-977-4357.

316.4.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Appleton Police Department shall:

(a) Immediately enter the child into the TIME/NCIC Missing Person database with the AMBER Alert flag.

(b) Call the Wisconsin State Patrol's Traffic Management Center and provide contact information.

(c) When contacted by a Division of Criminal Investigation (DCI) supervisor, review the facts of the case and the status of the investigation.

(d) Once approved for an AMBER Alert, complete the online form and include relevant photographs.

(e) Obtain, whenever possible, consent from the parents, parent, guardian, or other person having legal custody of the abducted child the child's name, photographs, descriptions, and other information necessary to support the AMBER Alert public broadcast and search.

(f) Maintain frequent contact with the DCI supervisor as the investigation progresses.

(g) Request additional resources and services from:

1. The FBI
2. The Wisconsin Clearinghouse for Missing and Exploited Children and Adults (WCMECA)
3. The NCMEC
4. A Child is Missing

(h) Retain a copy of all AMBER Alert forms, faxes, teletypes, emails, and pertinent case information for review by the Wisconsin AMBER Alert Review Committee.

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316.5 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is 60 years of age or older and believed to have Alzheimer's Disease, dementia or another permanent cognitive impairment which poses a threat to their health and safety (Wis. Stat. § 175.51).

SILVER ALERT PROCEDURE

316.5.1 CRITERIA

A Silver Alert should be issued when:

(a) A reasonable belief that the missing person's disappearance is due to their impaired cognitive condition

(b) The Silver Alert request is made within 72 hours of the individual's disappearance

(c) Sufficient information is available to disseminate to the public that could assist in locating the missing person

316.5.2 PROCEDURE

Members shall disseminate reports regarding at-risk missing adults in the Wisconsin Crime Alert Network (Wis. Stat. § 165.785; Wis. Stat. § 175.51).

Requests for Silver Alerts will be made to the Wisconsin Department of Justice Division of Criminal Investigation (DCI) through the Wisconsin State Patrol’s Traffic Management Center at 1-844-977-4357. If the Silver Alert is approved, DCI will handle the issuance of the Silver Alert.

As Alzeimer’s and dementia are not limited to those 60 and older, where individuals are missing and at risk but do not meet the criteria for a Silver Alert, a WCAN is strongly suggested.

316.6 HIT-AND-RUN ALERTS

Members investigating a hit-and-run should ensure an alert from the Wisconsin Crime Alert Network is initiated whenever the below criteria is met (Wis. Stat. § 346.67; Wis. Stat. § 346.70).

316.6.1 CRITERIA

The following criteria apply (Wis. Stat. § 175.51):

(a) A person has been killed due to the accident.

(b) There is sufficient information available to help locate the suspect or vehicle.

(c) An alert could help prevent further harm or aid in an arrest.

316.6.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

316.7 GREEN ALERTS

The Green Alert legislation (2017 Wisconsin Act 175) relates to alerts for missing veterans who have a service-related health condition. The following criteria is required for a Green Alert:

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(a) A veteran or active duty member of the armed forces, the National Guard, or the military reserve forces of the United States who is known, based on the information provided by the person making the report, to have a physical or mental health condition that is related to their service.

(b) The Green Alert request is made within 72 hours of the individual's disappearance.

(c) There is sufficient information available to disseminate that could assist in locating the missing veteran.

Requests for Green Alerts are made directly through the Wisconsin Crime Alert Network (WCAN) using a "Green Alert - Missing Veteran At Risk" form. Agencies themselves make the determination when to issue a Green Alert through WCAN. The Wisconsin Department of Justice does not have a role in approving Green Alerts or sending out Green Alerts.

Green Alerts are always disseminated to the general public. Therefore, there should be an evaluation of the information to be contained in the alert to determine if such health related information is appropriate for public dissemination.

The Community Resource Unit Coordinator should be notified when the Green Alert notice is issued and canceled.

GREEN ALERT PROCEDURE

316.8 MISSING CHILD ALERT

The Missing Child Alert legislation (2023 Wisconsin Act 272) provides for a public alert for specific missing children when the criteria for an Amber Alert are not met. The following criteria must exist for a Missing Child Alert:

The person at risk has not attained the age of 18 years AND the person is believed to be incapable of returning home without assistance due to a physical or mental condition or disability; OR, the person has not attained the age of 10 years AND:

(a) The individual's location is unknown, and,

(b) It is within 72 hours of the individual's disappearance, and,

(c) Criteria for an Amber Alert or other public alert are not met.

(d) The individual has been entered as missing into NCIC.

(e) There is sufficient information available to disseminate to the public which could assist in locating the missing person.

Wireless Emergency Alerts (WEA) will be sent to mobile devices up to a 5 mile radius from the last known location, between the hours of 8am - 9pm.

Appleton Police Department Law Enforcement Procedures Manual: 306.5 Missing Child Alert Procedure

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Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

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

317.2.1 DEFINITIONS

Victim - A person against whom a crime has been committed; a parent, guardian, or legal custodian of a child against whom a crime has been committed; or a family member or person who resided with a person against whom a crime has been committed and who is deceased.

Witness - A person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has been commenced.

317.3 CRIME VICTIM LIAISON

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

317.4 CRIME VICTIMS

Officers shall provide all persons reporting to law enforcement they have been a crime victim with the applicable victim information handouts.

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

VICTIM AND WITNESS RIGHTS PROCEDURE

317.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

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

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It is the duty of the officer with assigned responsibility for a criminal case to notify the victim(s) of the status of their respective incident. Status notifications shall occur within the following time parameters:

(a) Cleared or inactive cases will result in notification within 14 days of the case being cleared or inactivated. Status notification may be accomplished during initial contact with the victim if the case will be immediately inactivated due to lack of solvability factors. Officers must obtain supervisory approval to inactivate any felony, crimes involving the use of a firearm, and sexual incidents.

(b) Continued cases will result in notification within 14 days of the last contact with the victim.

(c) Reactivated cases will result in notification within 14 days of the case being reactivated.

(d) Teleservice complaints do not require further status notification. To qualify for telephone processing, a complaint must be minor in nature and have no solvability factors. These cases will most often be processed by PCS's.

(e) Status notifications may be made by letter, telephone, or in person.

(f) Status notifications resulting in further information pertinent to the investigation shall be documented in a supplemental report.

(g) Supervisors shall audit the status notification process as part of their case management responsibilities.

(h) VCR personnel may assist with victims during the initial call or as part of a follow-up. This can be in person or via phone. Any information received that is pertinent to the investigation will be forwarded to the assigned officer, the department VCR liaison, or another on-duty supervisor.

Sex crime victims require additional actions as identified in the Sexual Assault Investigations Policy.

Victims of sexual assault, human trafficking and child sexual abuse have the right to be accompanied by a victim advocate when being interviewed by an officer of the Appleton Police Department or other law enforcement agency. If the victim advocate obstructs or delays the interview, or fails to comply with the Child Abuse Policy and/or Sexual Assault Investigations Policy regarding the confidentiality of information relating to an investigation, he/she may be excluded from the interview and a different victim advocate may be permitted to accompany the victim at the victim’s request (Wis. Stat. § 950.045(1)).

317.4.2 TREATMENT OF VICTIMS

Members shall ensure that all victims of crime are treated with dignity, respect, courtesy, sensitivity, and fairness throughout the criminal and juvenile justice process, as mandated by Article I, section 9m of the Wisconsin Constitution.

Members shall provide victims with reasonable and timely information regarding the status of the investigation upon request.

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Safe at Home is an address confidentiality program that provides victims of domestic abuse, child abuse, sexual abuse, stalking, trafficking, or those who simply fear for their physical safety with a legal substitute address (assigned address) for both public and private use. Safe at Home is governed by Wisconsin Statute § 165.68.

- Enrollment in Safe at Home allows a participant to use and receive mail at an assigned address in lieu of their actual address.
- Safe at Home forwards mail from the assigned address to the participant's actual address at no cost.
- The intent of Safe at Home is for a participant to be able to maintain a private, confidential address and gain some peace of mind.
- Safe at Home is one of many tools that an individual can choose as part of their overall safety plan.

317.5 VICTIM INFORMATION

The Administrative Services Unit supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

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

1. The information shall include the availability of shelters and services from lists provided by the Wisconsin Department of Children and Families and the Wisconsin Department of Justice (Wis. Stat. § 968.075).

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

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

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

(f) Information regarding available compensation for qualifying victims of crime (Wis. Admin. Code § JUS 11.11).

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

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

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(k) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims, which includes a list of victim's rights under Wis. Stat. § 950.04(1v) and Wis. Const. Article I, § 9m.

(l) Notice of legal rights and remedies available to domestic abuse victims that includes the statement: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction" (Wis. Stat. § 968.075).

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

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officer may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Officer should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

317.7 WITNESS INFORMATION

The appropriate County Victim/Witness Coordinator, available thru the District Attorney's Office, shall ensure that witnesses are aware of their rights pursuant to Wis. Stat. § 950.04(2w).

317.8 SHARING OF INFORMATION WITH VICTIMS/WITNESS

The release of information to victims/witnesses shall be governed by state statutes pertaining to the confidentiality of records and files.

Information that may be freely shared with victims/witness includes:

- A brief summation of the investigation and the reason for the particular status of an investigation.
- Information to prepare them for their potential involvement in court.
- Procedures for recovering property and an estimated time frame for the release of property.
- Appropriate referral information for state and local victim programs.
- The officer's name, incident number, and the police department's phone number as a reference for future contacts dealing with their incident.
- Suggestions to deter future similar incidents; along with information on what procedures to use if threats or intimidation occurs from an incident.

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Bias-Motivated Crimes

318.1 PURPOSE AND SCOPE

The Appleton Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Definitions related to this policy include:

Bias-motivated crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.3 CRIMINAL STATUTES

(a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:

1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.

(b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.

(c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

318.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

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

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

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

(c) Educating community and civic groups about bias-motivated crime laws.

318.5 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES

Whenever any member of this department receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney.

318.6 INVESTIGATIVE SERVICES RESPONSIBILITIES

If a case is assigned to the Investigative Services Unit, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

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(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

318.6.1 STATE BIAS-MOTIVATED CRIME REPORTING

This department shall submit bias-motivated crime information and offenses through Wisconsin's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Wisconsin Office of Justice Assistance (OJA). This department will only report a bias-motivated crime when an investigation reveals sufficient evidence that an offender's actions were motivated, in whole or in part, by their bias. This shall be conducted by the Records Manager or assigned to the Investigative Services Unit.

318.6.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

The Records Manager should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Section procedures and in compliance with (28 USC § 534(a)).

318.7 TRAINING

All officers of this department shall receive training on bias-motivated crime recognition and investigation and shall attend training which incorporates a bias-motivated crime training component.

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Standards of Conduct

319.1 PURPOSE AND SCOPE

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

In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisor, including the Department Rules and Regulation in Chapter 10 of this manual.

319.2 POLICY

The continued employment or appointment of every member of the Appleton Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

All members of the Appleton Police Department will become thoroughly familiar with, and shall comply with all Department rules, policies, and directives in the performance of assigned duties.

319.3.1 SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

319.3.2 UNLAWFUL OR CONFLICTING ORDERS

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

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

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

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

319.4 GENERAL STANDARDS

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

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

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

319.5 CAUSES FOR DISCIPLINE

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

319.5.1 LAWS, RULES AND ORDERS

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

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

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

319.5.2 ETHICS

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

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

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

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

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

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

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

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

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

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

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

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

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

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319.5.5 ATTENDANCE

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

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

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

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

319.5.7 EFFICIENCY

(a) Neglect of duty.

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

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

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

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

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

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

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

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

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

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

(n) Employees shall not undertake any financial obligations which they know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that good faith effort to settle all accounts is being undertaken. Employees shall not co-sign a note for any supervisor.

319.5.10 SAFETY

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

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

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

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic crash.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Appleton Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

320.2 POLICY

It is the policy of the Appleton Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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The Department will not request or require, as a condition of employment, that employees disclose access information for their personal Internet accounts or otherwise grant access to, or allow observation of, those accounts unless specifically permitted to do so under federal or Wisconsin law (Wis. Stat. § 995.55).

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Lieutenants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the Technology Services (TS) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from TS staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources. City cell phones may be used as contact points for members wanting to be eligible for call-in notifications. Members choosing to respond to other department emails or texts with a city cell phone while off-duty should be mindful of collective bargaining agreements, when applicable.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

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Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The TS staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports before going on scheduled days off unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed. Offense and accident reports, including dictated narratives, traffic citations, and city summonses shall be completed prior to the end of an officer’s shift if any of the following circumstances apply;

(a) All death investigations;

(b) All investigations that result in the incarceration of a suspect;

(c) All major crimes, serious incidents and serious motor vehicle accidents;

(d) Officer Involved Shootings;

(e) Any report that the officer is unable to complete on the next consecutive calendar day.

Handwritten forms and reports, if utilized, must be prepared legibly. If the form or report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.1.2 OTHER REPORT TYPES

(a) Uniform Traffic Citations:

1. The traffic citation is electronic and is through Badger Tracs.
2. The citation is distributed to the Clerk of Courts, district attorney’s office, and the defendant. The department also maintains a copy.

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3. The Administrative Services Unit shall forward copies of citations to any department unit having specific interest in the matter.

(b) Municipal Summonses:

1. The municipal summons is electronic through Badger Tracs.
2. The municipal summons is distributed to the Clerk of Courts, and to the defendant. The department also maintains a copy.
3. The Administrative Services Unit shall forward copies of summonses to any department unit having specific interest in the matter.

(c) Citizen Contacts:

1. The citizen contact is electronic through Badger Tracs.
2. The citizen contact is distributed to the person named as the contact and is kept electronically in Spillman.
3. An exception to the normal distribution occurs when an officer uses the citizen contact as a field interrogation card.In this instance the information is stored electronically.

(d) Accident Reports:

1. The Wisconsin Motor Vehicle Accident Report (DT4000) is available electronically through Badger Tracs and is kept electronically in Spillman.
2. The electronically completed forms are transmitted to the Wisconsin Department of Transportation.
3. The Administrative Services Unit shall forward copies of accident reports to any department having specific interest in the matter.

(e) Parking Tickets

1. Parking tickets are a two-part form.
2. The original ticket shall be forwarded to the finance division for processing while the carbon copy is placed on the windshield of the vehicle in violation.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor. If you write a summary or a report on a call for service where you have contact with an individual, you shall add the individual's details to the "persons" tab in the Spillman software.

321.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Minor traffic and ordinance investigations resulting in the issuance of a citation or summons may be documented in Tracs, or on the back of the citation or summons if handwritten, in lieu of the report.

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Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Abuse Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes except traffic offenses routinely processed with only citations (OAR, etc).

(f) All criminal hit and run offenses. Non-criminal hit and run crashes shall be documented by a citation, DT4000, or report depending on the complexity and facts present.

(g) Situations involving a suspected prescription drug law violation, opioid-related drug overdose, narcotic-related death or controlled substance prescription theft (Wis. Stat. § 961.37).

(h) All incidents involving the detonation of an explosive device or the threat of an explosive device being placed in a location where it may cause injury or property damage.

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Policy)

(e) Any found property or found evidence

(f) Any traffic crashes above the minimum reporting level (see the Traffic Crash Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

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(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (not in a nursing home, no hospice program, or not DNR bracelet)

(e) Found dead bodies or body parts

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment or damage is caused by a Department employee to private property.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

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(d) Theft from vehicle with no suspect information or evidence.

(e) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission FCC website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS

Supervisors shall review reports, whether electronic or handwritten, for content and accuracy. If a correction is necessary on a handwritten form, the reviewing supervisor should complete the report correction form, stating the reasons for rejection. Electronic reports requiring correction will be returned electronically. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 POLICY

It is the policy of the Appleton Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

322.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, supervisors and the Community Resource Unit Lieutenant may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

The Community Resource Unit Lieutenant is the department's official liaison with the media. The responsibilities of this position may include:

(a) Assisting media representatives in covering newsworthy activities of the department.

(b) Preparing and disseminating department news releases.

(c) Arranging for and assisting at news conferences.

(d) Coordinating the release of information concerning confidential agency investigations and operations.

(e) Assisting in crisis situations involving the department.

Supervisors shall be responsible for the timely conveyance to the Community Resource Unit Lieutenant of information pertaining to newsworthy events involving the department,

Information will generally be released to the media via distribution of a formal news release or personal interview.

(a) For events of a significant nature, a formal news release will be drafted. A copy of the release may be posted on the department's webpage and social media sites. A formal news release shall adhere to guidelines for information release contained in this policy.

(b) The Community Resource Unit Lieutenant or any supervisor may complete a formal news release. If completed by a supervisor, a copy shall be forwarded to the Community Resource Unit Lieutenant for use in answering follow up questions, and proper documentation for records purposes.

(c) In certain instances, media representatives may request to speak with department members who possess specific knowledge about a particular newsworthy topic.

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1. A supervisor or the Community Resource Unit Lieutenant must approve such interviews.
2. Prior to granting an interview, the information that will be released must be reviewed and authorized by the Community Resource Unit Lieutenant, Administrative Services Manager or a sworn senior staff member.
3. Release of information during an interview should follow all other guidelines established in this policy.

322.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

322.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Community Resource Unit Lieutenant, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the Community Resource Unit Lieutenant.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

As a general rule, employees are discouraged from releasing information over the telephone. However, recognizing the need to maintain a good working relationship with the media, the following guidelines shall be established for limited telephonic release of information:

(a) Only the Community Resource Unit Lieutenant, Police Communication Specialist, or a supervisor will release information over the telephone.

(b) The person releasing the information shall ascertain the caller's name and news organization.

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(c) Police Communication Specialist's shall only release the information contained on the pending officer screen for the incident in question.

(d) Supervisors and the Community Resource Unit Lieutenant shall limit the information released to that, which would normally be included on an initial press release.

322.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Community Resource Unit Lieutenant or other designated spokesperson.

(c) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.

(d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

322.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the Community Resource Unit Lieutenant. In the case of a major event, the Community Resource Unit Lieutenant may contact the local media representatives to arrange a news conference.

322.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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322.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Community Resource Unit Lieutenant to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

The following information will not be released:

(a) Observations about the arrested person's character, criminal or arrest record or speculations of guilt.

(b) Reference to culture, race or ethnicity unless relevant to the crime.

(c) Statements concerning the credibility of witness testimony.

(d) Statements concerning evidence, regardless of whether such evidence may tend to implicate or exonerate a suspect.

(e) Any comments regarding confessions or professed alibis or any other statement that may tend to implicate or exonerate a suspect.

(f) Specific victim injuries known only to the victim and police.

(g) Any "off the record" remarks.

(h) Any comment as to the use of specific police equipment, procedures, or investigative techniques.

(i) The names of victims, without prior authorization from the Chief of Police.

(j) The names of parties who are merely suspects.

(k) Copies of other agency reports.

322.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Community Resource Unit Lieutenant.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

322.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases and news conferences regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public

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assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

322.8.1 INVESTIGATIVE INFORMATION SUBJECT TO RELEASE

The Community Resource Unit Lieutenant or an on-duty supervisor can release the following information regarding an ongoing investigation:

(a) Only the basic facts surrounding the crime or incident, using statutory elements as a guide.

(b) Whether a person was arrested and, if so, their name, and for what charge.

(c) The time and place of arrest.

(d) The names of victims may not released without the approval of the Chief of Police.

(e) If the victim is deceased, the name can only be released after the next of kin have been notified and after consultation with the appropriate coroner's office.

322.8.2 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to their designee. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

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Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

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

323.2 POLICY

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

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

(a) Personally serving a copy of the subpoena to the member (by department email is acceptable).

(b) Delivering a copy to the member's usual place of residency.

(c) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this department as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

(a) Any civil case where the City or one of its members, as a result of their official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of their association with the Appleton Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Appleton Police Department.

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

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

323.3.2 CIVIL SUBPOENA

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

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

323.3.3 OFF-DUTY RELATED SUBPOENAS

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

323.4 FAILURE TO APPEAR

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

323.5 STANDBY

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

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

323.6 COURTROOM AND DEPOSITION PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress for motion and preliminary hearings is patrol uniform of the day or business casual attire. Jury trials shall be class A uniform or business professional attire. Depositions shall be business professional attire only.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall review relevant reports and become familiar with the content in order to be prepared for court.

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323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, they will be compensated in accordance with the current collective bargaining agreement (for represented members) or city policy (for unrepresented members).

PRIOR TO APPEARING OUTSIDE OF A REGULARLY SCHEDULED WORKDAY PROCEDURE

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Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Appleton Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to an on-duty supervisor for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests (Wis. Stat. § 66.0313; Wis. Stat. § 175.46).

When another law enforcement agency requests assistance from this department, the on duty supervisor may authorize, if available, an appropriate number of personnel to assist.

Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

GENERAL REQUESTS FOR MUTUAL AID (OUTSIDE OF THE REGIONAL MUTUAL AID AGREEMENT) PROCEDURE

324.3.1 MUTUAL AID AGREEMENTS

The Department may, at the discretion of the Chief of Police, enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement may authorize the following (Wis. Stat. § 175.46):

(a) Law enforcement officers from another agency may act with some or all of the arrest and other police authority of an officer of this department (Wis. Stat. § 175.46(2)).

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(b) Law enforcement officers from another agency may enforce and make arrests for violations of only those laws that are similar to the types of laws they are authorized to enforce and make arrests for violations of in their home jurisdiction (Wis. Stat. § 175.46(4)).

Any mutual aid agreement should be written and may be on an individual case-by-case basis or may be a continuing agreement until terminated by either agency. At least 30 days prior to entering into a mutual aid agreement, this department shall submit a copy of the initial proposed agreement to the Wisconsin Department of Justice (WisDOJ) for review and comment. (Wis. Stat. § 175.46(3); Wis. Stat. § 175.46(8)).

RESPONDING TO MUTUAL AID REQUESTS FROM AGENCIES PARTICIPATING IN THE REGIONAL MUTUAL AID AGREEMENT PROCEDURE

324.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Appleton Police Department should notify the local law enforcement agency of the county or municipality where the violation occurs, cooperate with that agency as necessary, and notify their supervisor or the Patrol Lieutenant and the Communications Center as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

REQUESTING MUTUAL AID IN THE EVENT OF AN EMERGENCY PROCEDURE

324.5 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management and control.
- Detect the presence of dangerous conditions or hazardous materials.
- Begin identification of dangerous conditions or hazardous materials (may use the most current Emergency Response Guidebook published by the U.S. Department of Transportation).
- Isolate the incident and identify zones of danger and activity.

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- Contain the incident without risking unnecessary exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Contact the local Wisconsin state dispatch center and request support if it occurs on any federal, state or county highway located outside of this department's jurisdiction.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this department should clarify whether it is requesting assistance only or complete scene management.

324.6 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a report shall be documented as directed by the Patrol Lieutenant.

324.7 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Professional Development Coordinator or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members training in the use of the supplies and equipment.

The Professional Development Coordinator should maintain documentation that the appropriate members have received the required training.

324.8 PROVIDING EMERGENCY ASSISTANCE FOR THE JAIL OR COURTROOM

The on duty supervisor will be responsible for coordinating the department's response to an emergency request by the Outagamie County Sheriff's Department for assistance at the Outagamie County Court House Annex, Justice Center or Jail.

The Outagamie County Sheriff's Department is responsible for providing the primary security for County buildings located within the City of Appleton.

In the event there is a fire at the Outagamie County Jail, the Jail's evacuation plan requests that available Appleton officers respond to the corner of Elm St. and Sixth St. as well as Elm St. and Seventh St. for traffic control, crowd control, or to assist with prisoner security if an evacuation of the jail is necessary.

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The tactical team for the Outagamie County Sheriff's Department has the primary responsibility for responding to a hostile takeover occurring within the jail, courthouse, or any building attached to that complex. In the event that the department is contacted for assistance, Appleton officers would be responsible for perimeter security, unless directed otherwise.

Depending upon the complexity of the problem, the senior operations supervisor should consider consulting with the SWAT Commander or Assistant SWAT Commander about activating the department's SWAT Team.

If violence occurring in a courtroom cannot be brought under control by the Outagamie County Sheriff's Department, the Sheriff's Department will request assistance from the Appleton Police Department. The on-duty supervisor will be responsible for directing available officers to the problem.

324.9 REQUEST FOR FEDERAL AND STATE LAW ENFORCEMENT ASSISTANCE

Certain situations may require the assistance of a federal or state agency. The district captain will be responsible for approving requests for non-routine emergency mutual aid from state and federal agencies.

In an extreme emergency, the Chief of Police or designee may contact the Mayor or Emergency Government Director and request the services of the National Guard. The Mayor or Emergency Government Director is required to seek approval from the Governor or his/her designee for final authorization.

324.10 CONCURRENT JURISDICTION

Resources permitting, all requests for police service within the City of Appleton shall initially be assigned to employees of the Appleton Police Department (unless prior agreements with other law enforcement agencies exist.)

Enforcement of municipal ordinances within the City of Appleton shall be the responsibility of the City departments having authority for such enforcement. The police department is the primary enforcement agency for ordinances relating to traffic control, public peace and safety, and civil order.

County, state, and federal agencies shall maintain concurrent jurisdiction within the City of Appleton when conducting investigations and taking enforcement action, as guaranteed by state and federal statutes.

The serving of civil process within the City of Appleton shall be the responsibility of the respective sheriff's department.

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Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Appleton Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.1.1 DEFINITIONS

Relevant Offender Information – Information that is deemed necessary to protect the public concerning a specific person required to register under the laws. This excludes victim identity and juvenile offender information, which can only be released to law enforcement and correction officials.

Sex Offender – A person convicted of any felony sexual assault, convicted of an offense where the court has determined that the offense was “sexually motivated,” committed under the “sexually violent person” law, or entering the state under an interstate compact agreement as a sex offender.

Special Bulletin Notification (SBN) – Written notification giving law enforcement agencies advanced detailed information from the DOC on specific offenders who are about to be released from confinement to their geographical area and may pose a risk to the community.

325.2 POLICY

It is the policy of the Appleton Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose. The department will participate as a member of a multi-jurisdictional law enforcement team in determining if agencies/organizations or the public should be notified of a sex offender’s release. The intent of the team is to balance the public’s need to be informed with the offender’s need to be successfully integrated into the community.

325.3 REGISTRATION AND CONTACT

The Sex Offender Registry Specialist supervisor shall establish a process to reasonably accommodate obtaining fingerprints, a recent photograph and other information that may be required by the Wisconsin Department of Corrections (WisDOC) as well as any face-to-face contact requirements for registrants who are on supervision (Wis. Stat. § 301.45(2)(f)). The process should rebut any allegation on the part of the offender that the process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the face-to-face contact in order to best evaluate any threat the person may pose to the community. Employees assigned to meet with these offenders should receive appropriate training regarding the process.

Upon conclusion of the process, the investigator shall ensure that the information is provided to WisDOC.

The refusal of a registrant to provide any of the required registration information or complete the registration process should initiate a criminal investigation for failure to register.

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MONITORING SEX OFFENDERS PROCEDURE

325.4 MONITORING OF REGISTERED OFFENDERS

The Sex Offender Registry Specialist should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the WisDOC Sex Offender Registration Program (SORP) informational database.

(c) Contact with a registrant's parole or probation officer.

(d) Utilization of the Registration Tracking Program.

Any discrepancies should be reported to the WisDOC.

The Sex Offender Registry Specialist should also establish a procedure to routinely disseminate information regarding registered offenders to Appleton Police Department personnel, including timely updates regarding new or relocated registrants.

325.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Details on the community notification process can be found in the DOC Wisconsin Sex Offender Registration and Community Notification Manual for Law Enforcement. The Appleton Police Department will participate in a regional decision-making team to ensure coordinated community notification planning. The team will consist of a DOC supervising agent and representatives from area law enforcement agencies that have received or are directly impacted by a Special Bulletin notification.

Members of the public requesting information on registrants should be provided the Wisconsin Sex Offender Registry Web site or the Appleton Police Department's website.

The Administrative Services Manager shall release local registered offender information to residents in accordance with Wis. Stat. § 301.46 and in compliance with a Wisconsin Public Records Law request.

COMMUNITY NOTIFICATION PROCEDURE

325.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

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(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

325.5.2 DISCRETIONARY DISSEMINATION

Notifications that a sex offender is or will be residing, working, or attending school in Appleton Police Department jurisdiction, including a Special Bulletin Notification (SBN) from the WisDOC, should be forwarded to the School Resource Officer (SRO) supervisor. The SRO supervisor should:

(a) Review notifications and disseminate the information within the Department as appropriate.

(b) Establish a Core Team or represent the Department in a regional Core Team to review and discuss SBNs and make recommendations regarding disseminating information about the offender.

(c) Ensure SBNs are reviewed by a Core Team.

(d) Remain familiar with current recommendations regarding community notification made by the WisDOC, including evaluation criteria and notice levels (Wisconsin Sex Offender Registration and Community Notification - Manual for Law Enforcement).

(e) Seek advice from legal counsel as needed regarding procedures for community notifications and compliance with public records and open meetings laws.

(f) Obtain prior approval from the Chief of Police prior to notification to the public in general and the plan for how that notification is to be accomplished (Wis. Stat. § 301.46).

1. The overriding guiding principle in the development of any notification plan to the general public is that such a plan is not intended to subject the offender to additional punishment or harassment. Rather, these plans should seek to provide information to those individuals, agencies and/or organizations that need to know, in the interest of public protection, about the potential risk posed by this offender.

325.6 IMMUNITY

Sec. 301.46(7), Wis. Stats., provides immunity from civil liability for any good faith act or omission regarding the release of information authorized under Sec. 301.46.This immunity does not extend to a person whose act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct, 301.46(7), Wis. Stats.

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Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Appleton Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Captain of Investigations and Support Services. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic crash with fatalities
- Officer-involved shooting, whether on- or off-duty (See the Officer-Involved Shootings and Deaths Policy)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Appleton official
- Arrest of department employee or prominent Appleton or other public official.
- Aircraft, train, boat or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

326.4 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant is responsible for making the appropriate notification. The Patrol Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable.

326.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected District Commander and the Investigative Services Commander.

326.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an officer or investigator respond from home, the Unit Coordinator of the appropriate detail shall be contacted.

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326.4.3 PATROL DIVISION NOTIFICATION

In the event of a traffic fatality or major injury, the appropriate District Commander shall be notified.

326.4.4 COMMUNITY RESOURCE UNIT LIEUTENANT

The Community Resource Unit Lieutenant shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

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Firearm Injury Reporting

327.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the State of Wisconsin and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

327.2 INVESTIGATION

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

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

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

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

327.3 HUNTING INJURIES

If a firearm injury is determined to have been caused by an action connected with hunting, fishing or trapping, the Wisconsin Department of Natural Resources (DNR) requests notification on all such firearms related injuries.

The DNR completes the International Hunter Education Association’s Annual Report of Hunting and Hunting Related Incidents for compiling nationwide hunting-related statistics and uses the information provided by local agencies for this purpose. The DNR also uses this information to determine whether to investigate or charge a violation of Wis. Stat. § 29.345, failure to report a firearm-related injury sustained in a hunting, fishing or trapping incident.

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Death Investigation

328.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to Wis. Stat. Chapter 979.

328.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a County Coroner or Medical Examiner. A supervisor shall be notified in all death investigations.

The City of Appleton jurisdictional boundaries fall within three different counties. Both Outagamie County and Winnebago County operate with an elected County Coroner. Calumet County operates with a Medical Examiner.

DEATH INVESTIGATION PROCEDURES

328.2.1 COUNTY CORONER/MEDICAL EXAMINER REQUEST

The appropriate County Coroner or Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

(a) All deaths in which there are unexplained, unusual or suspicious circumstances

(b) All homicides

(c) All suicides

(d) All deaths following an abortion

(e) All deaths due to poisoning, whether homicidal, suicidal or accidental

(f) All deaths following accidents, whether the injury is or is not the primary cause of death

(g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death

(h) When a physician refuses to sign a death certificate

(i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate

(j) Unidentifiable bodies

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In all deaths assigned to a major case investigator, the County Coroner/Medical Examiner shall be notified at the same time that the major case investigator is called to the scene so that a joint investigation may be undertaken.

The assigned supervisor will be responsible for notifying the County Coroner/Medical Examiner in all other deaths not investigated by a major crimes investigator.

328.2.2 SEARCHING DEAD BODIES

The County Coroner/Medical Examiner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the County Coroner/Medical Examiner, the investigating officer shall first obtain verbal consent from the County Coroner/Medical Examiner when practicable.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat.§ 157.06(12)). If a donor document is located, the County Coroner/Medical Examiner shall be promptly notified. If a donor record of gift or gift refusal is located, and the individual is transported to a hospital, the person responsible for conducting the search shall send the donor record of gift or gift refusal to the hospital.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the County Coroner/Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the County Coroner/Medical Examiner, the investigating officer should make a notation in the death report.

328.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the County Coroner/Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the supervisor or investigator assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the local County Coroner/Medical Examiner may be requested to make the notification. The County Coroner/Medical Examiner should be advised if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person’s remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

328.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the County Coroner/Medical Examiner arrives, the County Coroner/Medical Examiner will issue an incident number for the report.

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328.2.5 DEATH INVESTIGATION REPORTING

It is the policy of the Appleton Police Department to thoroughly investigate each death that is brought to the attention of its members and to accurately document the details of the investigation in a written report. Upon conclusion of the investigation, the narrative shall include the list of observations listed on the Death Investigation Worksheet (APD Form #025). Each item in the worksheet shall appear in a separate paragraph under the corresponding heading. Do not attach the worksheet to the report, it is for reference only.

Patrol officers shall complete a case transfer request to the Investigative Services Unit on any death requiring a Death Investigation Worksheet. The Investigative Services Unit will complete a death review process.

328.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the officer shall take steps to protect the scene. The Investigative Services Lieutenant or designee shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

328.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim’s employment should ensure that the nearest office of the Wisconsin Department of Health Services (WDHS) is notified with all pertinent information.

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Identity Theft

329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes. The Appleton Police Department shall investigate identity theft complaints from any person who knows or reasonably suspects that another person has unlawfully used his or her personal information.

329.2 POLICY

It is the policy of the Appleton Police Department to effectively investigate cases of identity theft.

329.3 REPORTING

(a) To maintain uniformity in reporting, officers shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following (Wis. Stat. § 943.201(4)):

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim shall be informed which law enforcement agency may have jurisdiction. The victim should be encouraged to promptly report the identity theft to the appropriate law enforcement agency.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).

(c) If the location of the identity theft is unknown or another police agency refuses to investigate the complaint, and the victim is a resident of the City of Appleton, the Appleton Police Department has jurisdiction to investigate the complaint.

(d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

329.4 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on their consumer report, as allowed by law.

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The victim may file an identity theft complaint with the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Privacy Protection (OPP) at 800-422-7128, www.privacy.wi.gov, or e-mail at wisconsinprivacy@dacp.state.wi.us.

329.5 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or the FBI at http://www.fbi.gov/milwaukee.

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Private Persons' Arrests

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Wisconsin common law.

330.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

330.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

(a) When a felony has been in fact committed and they have reasonable grounds to believe the person to be arrested has committed it.

(b) For a misdemeanor amounting to a breach of the peace and committed in their presence.

(c) When a merchant or service provider, a merchant's or service provider's adult employee or security agent, has reasonable cause to believe that a person has stolen merchandise or services in their presence, they may detain the person at the place of business where the offense occurred in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to a parent or guardian in the case of a minor (Wis. Stat. § 943.50(3)).

330.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety (Wis. Stat. § 968.08).

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise the appropriate option based upon the charges:

1. Take the individual into physical custody for booking.
2. Release the individual upon issuance of a misdemeanor and/or ordinance citation.
3. Release the individual pending the filing of formal charges.

330.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Appleton Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the Appleton Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

331.3 LEP COORDINATOR

The Chief of Police shall delegate LEP responsibilities to the Assistant Chief, who serves as the Department's LEP Coordinator. The Assistant Chief, in turn, is part of the City Department Advisory Committee (CDAC) to manage the city’s overall LEP Program. That group is comprised of the Assistant Police Chief, Deputy Fire Chief, Public Health Nurse Supervisor, Deputy Director of Human Resources, and the Deputy City Attorney. It is managed by the Diversity Coordinator in the mayor’s office. The city’s LEP program is therefore guided by the Diversity Coordinator.

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Representatives of the CDAC meet annually to review the city's program and contracts. The Assistant Chief reviews the APD policy to ensure consistency and compliance with the city program.

The responsibilities of the Department's LEP Coordinator, through the Diversity Coordinator, include, but are not limited to:

(a) Coordinating and implementing all aspects of the Appleton Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to all employees. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

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enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

331.5 TYPES OF LEP ASSISTANCE AVAILABLE

Appleton Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy. See the Limited English Proficiency Services Procedures for information on how to contact an interpreter.

331.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

331.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

331.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the

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non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

331.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the city's LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

331.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Appleton Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

331.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate in Spanish or Hmong, by providing a translated *Miranda* warning form.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

331.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate

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medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

331.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the Department's LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Professional Development Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Professional Development Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.

331.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

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Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Professional Development Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Biological Samples

332.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon arrest or conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

332.2 POLICY

The Appleton Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

332.3 ARRESTEES AND OFFENDERS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (Wis. Stat. § 165.84; Wis. Stat. § 165.76):

(a) Adults arrested or juveniles taken into custody for a violent crime as defined in Wis. Stat. § 165.84. Officers arresting juveniles for qualifying offenses may take them to the booking room to complete DNA collection and booking processes. This shall occur, when at all possible, even when the officer plans on releasing the juvenile and referring charges. DNA collection is required, not discretionary.

1. DNA collection kits are kept in the booking room. ID techs and SRO's will be the primary collectors of DNA for these cases.
2. While state law allows for the use of reasonable force to collect DNA, officers should not use force for collection purposes. If the juvenile refuses to submit, they should be charged with Failure to Submit a Biological Specimen. The court will order them in at a later time. The Evidence Unit will handle these appointments.
3. If DNA was not collected in steps 1 and 2 above, it will be collected at the adjudication stage. In Outagamie and Winnebago Counties, the juvenile will be ordered to APD for sample collection. The Evidence Unit will handle those appointments. In Calumet County, the juveniles will have the samples collected by the Calumet County Sheriff's Department.
4. Upon being found delinquent of any felony or misdemeanors: 940.225(3m), 944.20, 948.10(1)(b), 946.52, 941.20(1), 944.30(1m), 944.31, 944.33, juveniles will be ordered to submit to DNA collection. The Evidence Unit will handle those appointments.

(b) Persons sentenced to the county jail for a qualifying offense.

(c) Persons ordered by a court to provide a biological sample for DNA analysis.

(d) Persons referred to the Department by the Wisconsin Department of Corrections (WisDOC) staff for collection of a biological sample and fingerprints.

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(e) A person being booked into jail when a review of that person’s Computerized Criminal History (CCH) record reflects "DNA Sample Needed."

332.4 PROCEDURE

When an arrestee or offender is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy. This is usually done by jail staff.

332.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the arrestee or offender is required to provide a sample pursuant to Wis. Stat. § 165.76 or Wis. Stat. § 165.84.

(b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying Wisconsin Computerized Criminal History. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Wisconsin Department of Justice to perform the collection and take steps to avoid cross contamination.

(d) Forward the sample to the appropriate crime laboratory as soon as practicable, but in all cases within 48 hours of collection (Wis. Admin. Code § JUS 9.04).

332.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee or offender refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except with the approval of legal counsel and only with the approval of a supervisor (Wis. Stat. § 165.765). Methods to consider when seeking voluntary compliance include contacting:

(a) The arrestee's or offender's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the arrestee or offender for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the arrestee's or offender's next court appearance.

(d) The arrestee's or offender's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee or offender can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

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332.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

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Chaplains

333.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the Outagamie County Chaplain Program to provide counseling or emotional support to members of the Department, their families and members of the public.

333.2 POLICY

The Appleton Police Department shall contract with the Outagamie County Chaplain Program to provide chaplain services.

Chaplain services will include counseling department employees and their family members, support during a crisis response, visitation to department employees and their family members who are sick or injured, and participation at official ceremonies and special occasions. Chaplain services will also be available to members of the public.

333.3 ELIGIBILITY

Eligibility for the program is determined by the Outagamie County Chaplain program.

333.4 RECRUITMENT, SELECTION AND APPOINTMENT

Recruitment, selection and appointment will be determined and handled by the Outagamie County Chaplain Program.

333.5 IDENTIFICATION AND UNIFORMS

Uniforms and identification will be provided by the Outagamie County Chaplains Program.

333.6 DUTIES AND RESPONSIBILITIES

Duties and responsibilities will be determined by the Outagamie County Chaplain Program.

333.6.1 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe Appleton Police Department operations, provided the Patrol Lieutenant has been notified and has approved the activity.

(b) Chaplains shall not be evaluators of members of the department.

(c) In responding to incidents, a chaplain shall never function as an officer.

(d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(e) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

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333.6.2 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

Chaplains shall make reasonable efforts to ascertain if department employees and/or their immediate family members have personal clergy and offer to contact that clergy if the employee/family member chooses.

Chaplains may suggest to department employees and/or their immediate family members to further seek guidance from their personal clergy or other counseling services such as the Employee Assistance Program (EAP) when deemed appropriate.

333.6.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

333.6.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

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(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

(g) Work in conjunction with professional mental health providers where possible.

333.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Appleton Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Appleton Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

The Appleton Police Department shall adopt the Outagamie County Chaplain Program's article XIV from their by-laws. See attachment: OCCPArticle14.pdf

333.8 TRAINING

Required training will be determined by the Outagamie County Chaplain Program.

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Volunteers

334.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

334.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Cadet Post, among others.

334.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Appleton Police Department volunteer include:

City Appleton

(a) At least 18 years of age for all positions other than Cadet.

(b) At least 14 years of age for Cadet.

(c) A valid driver's license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.

(f) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.

(g) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.

(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

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334.2 VOLUNTEER MANAGEMENT

334.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions

(b) Maintaining records for each volunteer

(c) Tracking and evaluating the contribution of volunteers

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers

(e) Maintaining a record of volunteer schedules and work hours

(f) Completion and dissemination as appropriate of all necessary paperwork and information

(g) Planning periodic recognition events

(h) Administering discipline when warranted

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

334.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

334.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) References

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334.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until they have been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

The volunteers must maintain professional standards as outlined in the volunteer handbook, abide by the commitments to the projects assigned, and record hours in the volunteer log book. They may not take enforcement action, knowingly enter a hazardous situation, or carry or be armed with any sort of weapon while performing duties for the Department.

334.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

(a) Role of the volunteer

(b) Department policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

(e) CPR/first-aid/AED

(f) Citizens Emergency Response Training (CERT)

(g) Search and rescue techniques

(h) Scenario-based searching methods

(i) Evidence recognition and preservation

(j) Basic traffic direction and control

(k) Roadway incursion safety

(l) Self-defense techniques

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(m) Vehicle operations, including specialized vehicles

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

334.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when their judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests for the volunteer or anyone in their immediate family

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

334.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty, except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions, provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while they are off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

334.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the Volunteer Coordinator or the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

334.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

334.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

334.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department-approved driver safety course.

(b) Verification that the volunteer possesses a valid driver's license.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year, if applicable.

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When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate department vehicles for enforcement patrol operations or under emergency conditions (lights and siren).

334.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDC and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

334.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear their name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

334.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

334.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

334.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

334.9 LIABILITY COVERAGE FOR VOLUNTEER/UNPAID MEMBERS

Liability protection and indemnification may be available, pursuant to City policy, for all trained and active members serving in a volunteer capacity and acting within the scope of their authority. This includes, but is not limited to:

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- Chaplains
- Cadets
- Volunteers

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Native American Graves Protection and Repatriation

335.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

335.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

335.2 POLICY

It is the policy of the Appleton Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

335.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Wisconsin Historical Society or, when appropriate, the Medical Examiner (Wis. Stat. § 157.70; Wis. Stat. § 979.01)
- Tribal land - Responsible Indian tribal official

335.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Child and Dependent Adult Safety

336.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse Policies.

336.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Appleton Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

336.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

336.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with a non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the appropriate Aging and Disability Resource Center, if appropriate.

(e) Notify the field supervisor or Patrol Lieutenant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

336.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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336.3.3 REPORTING

(a) For all arrests where children are present or living in the household, and arrangements must be made for care, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, and arrangements must be made for care, the reporting member will document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

336.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

336.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any children or dependent adults, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

336.5 TRAINING

The Professional Development Coordinator is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Off-Duty Law Enforcement Actions

337.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Appleton Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

337.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and an officer's authority is limited by the State of Wisconsin. Officers, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

337.2.1 OFF-DUTY LIMITATIONS

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

(a) An officer becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

(b) The officer is taking action that would be authorized by the policies of the Appleton Police Department.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this department is not used or disclosed.

337.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the officer's senses or judgment.

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337.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers who are authorized by law decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

337.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Appleton Police Department officer until acknowledged. Official identification should also be displayed.

337.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

337.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

337.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

337.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable.

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Additionally, the employee shall contact the Patrol Lieutenant, who shall determine whether to send a supervisor to the scene and whether a report should be completed by the employee (Wis. Stat. § 175.40(6m)(a)(3)(c)).

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

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Department Use of Social Media

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

338.2 POLICY

The Appleton Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

338.3 AUTHORIZED USERS

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

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

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

338.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

338.4.1 INCIDENT-SPECIFIC USE

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

338.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Appleton Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that they believe is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

338.5.1 PUBLIC POSTING PROHIBITED

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

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

338.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, on a regular basis, the use of department social media.

338.7 RETENTION OF RECORDS

The Community Resource Unit Lieutenant should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

338.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Community Relations

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Bias-based Policing Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Hearing and Seeing Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

339.2 POLICY

It is the policy of the Appleton Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

339.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the Community Resource Unit Lieutenant to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

339.4 COMMUNITY RELATIONS COORDINATOR (CRU LIEUTENANT)

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

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(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Division to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

339.4.1 PATROL DISTRICT CAPTAIN RESPONSIBILITIES

Each district commander is responsible for instituting, managing, and directing crime prevention and community relations activities within his/her district.

(a) District Commanders should establish crime prevention priorities based upon crime analysis reports and incident data.

(b) Crime prevention and community relations objectives shall be included as part of unit goals and objectives.

Commanders should lead officers to promote positive public relations, foster community awareness, encourage self-help, and in general, strive to improve community quality of life by applying crime prevention techniques and problem solving activities in the day-to-day performance of their duties.

339.5 SURVEYS

The Chief of Police or designee should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship

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between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

339.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Community Resource Unit Lieutenant should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-together (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) Neighborhood Watch and crime prevention programs.

339.6.1 SCHOOL RESOURCE OFFICER PROGRAM

The SRO Program has been established to accomplish the following major goals:

(a) To decrease the amount of future crime by a concentrated crime prevention effort aimed at the senior high, middle school and elementary level students.

(b) To increase the reporting of crimes committed against youth and their property, child abuse and/or neglect and sexual assault involving children.

(c) To decrease the number of crimes committed in schools or near school property.

(d) To provide a positive image to youth and adult citizens, that reflects the Appleton Police Department as a helpful resource, which protects and serves all citizens.

The SRO Program is comprised of selected police officers who are assigned to the School Resource Officer Unit, under the supervision of the SRO Unit Coordinator (LT.). SRO's function, primarily, from an office in one or more of the City's public elementary, middle or senior high schools.

Generally, appointment to the SRO program will be for a period of six years, with the rotation concluding in December.

The duties and responsibilities of an SRO include the following:

(a) Conducting investigations involving juvenile offenders and victims, diverting juvenile offenders out of the juvenile justice system when appropriate, and following up on situations where juveniles have been charged with criminal activity.

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(b) Conducting sensitive crime investigations, including child abuse and neglect, child sexual abuse and exploitation, and sexual assaults involving adult victims.

(c) Assisting other officers with juvenile cases and court preparation.

(d) Establishing and maintaining liaison with agencies and organizations interested in juvenile matters.

(e) Educating students and staff about the law and law enforcement.

(f) Maintaining communication with the parents of juveniles who are victims or offenders.

(g) Developing and implementing programs intended to prevent delinquent and criminal behavior of juveniles.

(h) Recommending procedures to improve our efforts in dealing with juveniles and seeking the input from other agencies that share an interest in the welfare and handling of juveniles.

339.7 INFORMATION SHARING

The Community Resource Unit Lieutenant shall develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

339.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The Community Resource Unit Lieutenant should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Department ride-alongs (see the Ride-Along Policy).

(d) Scenario/Simulation exercises with community member participation.

(e) Youth internships at the Department.

(f) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

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339.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

339.10 COMMUNITY ADVISORY BOARD

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable. (See Police Chief's Community Advisory Board Policy)

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

339.10.1 LEGAL CONSIDERATIONS

The Chief of Police should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

339.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department’s operations. The reports should not contain the names of officers, suspects or case numbers.

339.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

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(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Juvenile Runaways

340.1 PURPOSE

The purpose of this policy is to establish guidelines for responding to reports of runaway juveniles.

It is the policy of the Appleton Police Department to ensure the provision of early intervention services to runaway juveniles and their families. The department will investigate all reports of runaway juveniles, with an emphasis on first and second time runaways who have yet to access the services of the juvenile justice system.

340.2 DEFINITIONS

Runaway - A juvenile, 17 years of age or younger, who is absent without the permission of the parent, guardian, legal custodian, or other person with legal authority to report them missing, and for whom the following criteria apply:

(a) The youth is voluntarily missing.

(b) The youth's whereabouts are unknown to the reporting person.

Non-Chronic Runaway - A runaway for whom the following conditions are met:

(a) A first or second time runaway.

(b) Not currently assigned a county social worker.

(c) Not a resident of a group home or Shelter Care.

Chronic Runaway - A runaway for whom any of the following conditions are met:

(a) The juvenile has run away three or more times within a 12-month period.

(b) The juvenile is currently assigned a county social worker.

(c) The juvenile is a resident of a group home or Shelter Care.

340.3 CLASSIFYING RUNAWAY COMPLAINTS

When a runaway complaint is received by the department, the person receiving the complaint will classify the runaway as a chronic runaway or non-chronic runaway according to the definitions established in this policy.

Assignment of the runaway complaint shall be based upon the classification of the runaway.

340.4 REPORTING REQUIREMENTS

The requirements for reporting and investigating runaway complaints are dependent on the classification of the runaway.

Refer to the Runaway Procedures for additional information.

JUVENILE RUNAWAY PROCEDURE

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Victim Crisis Response Program

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the Appleton Police Department, Victim Crisis Response Program in situations where program volunteers are assisting members.

341.2 PROGRAM MANAGEMENT

The Board of Directors will oversee the hiring and supervision of the Executive Director and will coordinate with them the hiring and supervision of other paid staff. The Executive Director and staff will manage the fiscal responsibilities/grants associated with the program.

An Appleton Police Department employee will be designated as the VCR Program liaison.

The Executive Director will follow guidelines set by the Board of Directors, while focusing on the following:

(a) VCR volunteers understand the correct procedures, criteria and contacts for existing referral programs, as well as any follow ups.

(b) The service programs referred to victims continue to be effective and are appropriate resources. These services should be reviewed on a regular basis.

341.3 PROGRAM GOALS

Enhance the quality of justice by satisfying the emotional, social and informational needs of crime victims and witnesses.

Increase the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime. Provide information about the criminal justice system.

Improve officer efficiency and reduce workload by shifting primary responsibility for on-scene emotional support services for victims and witnesses of crime to trained volunteers. This support may also involve follow-up contact with some victims.

Ensure connection with other victim/witness assistance programs.

Assist law enforcement with other projects and community service endeavors that enhance the relationship between the police and the members of the community.

341.4 VCR VOLUNTEER SELECTION

Candidates for the VCR program are interviewed by a panel comprised of the VCR Executive Director, police department representatives, and other members as deemed appropriate.

Volunteers are selected utilizing various criteria, to include:

- Interpersonal skills
- Problem solving skills
- Ability to handle stressful situations

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Background checks, criminal history and other necessary screening for VCR volunteers is conducted by a police officer or by the Executive Director with proper resources for an effective background investigation.

341.5 OPERATIONAL GUIDELINES

341.5.1 VOLUNTEERS

Volunteers typically respond to a crisis referral as a team of two. During the volunteer's probationary period, they shall advise Dispatch that they are a new VCR and request to be paired with a veteran VCR when possible.

VCR volunteers shall identify themselves upon arrival at any scene. While at any scene, VCR program volunteers shall display proper identification at all time. VCR personnel shall follow and abide by all lawful directives of the investigating officer and/or police supervisor.

Before rendering services, the VCR volunteer should inform all victims and witnesses that any information provided, even that of a sensitive nature, is conveyed to police officials.

If, at any time, VCR volunteers become aware of any safety risks, such as the presence of dangerous weapons, they will immediately inform an officer.

Any injury received while performing VCR duties must be reported immediately to a police supervisor.

If a VCR is involved in follow-up calls or call-backs regarding an officer request, all gathered information shall be returned to the APD VCR Program liaison or to the assigned officer's mailbox as soon as possible with gathered information. VCR's shall receive special training in the procedure for these calls by the Appleton Police Department VCR liaison or their designee.

341.5.2 OFFICERS

Officers may request the assistance of VCR volunteers whenever a victim, witness, or person in crisis has experienced a significant incident involving a real or perceived threat of their personal safety or welfare or a tragic personal loss.

Officers in need of VCR services make the request through the APD liaison officer, an on-duty supervisor, or dispatcher.

When requesting VCR services, officers need to provide the following information:

- Location for response including address, telephone number and directions, if necessary
- Type of incident
- Any specific request from the officer at the scene
- A law enforcement contact person and phone number

When a VCR volunteer responds to a scene, officers must assess risk factors and take appropriate steps to ensure the safety of the volunteer.

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(a) If either the officer or volunteer feels the risk is too great to allow the VCR volunteers to remain on the scene, the officer will remain until the service delivery is complete or the officer will provide an alternative, secure location, such as the police station.

(b) A key component in completing the risk assessment is whether the perpetrator is in custody or whether he or she continues to pose a threat.

(c) Any information that is shared with the VCR about a potential risk to the VCR, such as a family member of the suspect/arrested person potentially coming to the scene, should be immediately reported to an officer. In these instances, the VCRs should leave the residence or location of potential danger.

When the services of a VCR volunteer are utilized, officers should note in their report the involvement of the VCR volunteer. The volunteers should not be specifically identified in the report and their personal contact information should not be used for purposes of prosecution nor as a witness, absent exceptional circumstances.

Direct referrals from police officers can be given/or emailed to the police department VCR liaison or a VCR staff member. For example, if the officer would like a VCR to connect with the citizen to see how he/she is doing.

When an officer receives feedback from a VCR or the VCR Executive Director on a call he or she handled, the officer shall complete any follow up or supplemental documentation to include a report as it relates to any further information/suspects in the case.

341.6 VOLUNTEER EXPECTATIONS

Volunteers shall remain in compliance with the policies and procedures of the VCR program.

Volunteers are expected to establish and maintain an effective, professional working relationship with victims and persons in crisis. Volunteers may not give their home telephone number or home address to crime victims, nor should a personal relationship be pursued. If necessary, the crime victim can reach the volunteer through the general business number of the Appleton Police Department, the department involved in the call, or through the VCR Executive Director, which can be supplied via a business card from the VCR to the citizen(s).

Calls should be responded to promptly.

Volunteers should not have consumed alcohol 12 hours prior to responding to a call. If the volunteer is taking prescription medication, the volunteer should communicate with the VCR Executive Director about side effects that could affect their performance.

If a VCR volunteer discovers that a personal relationship exists with a person in need of VCR services, he or she may consider deferring to his/her team partner or remain on scene - not as a volunteer but as a supporter. The VCR may ask to be replaced by another VCR as well.

If a volunteer, or someone in his or her immediate family, is arrested for an offense or has a case pending in a criminal court, the volunteer must notify the VCR Executive Director.

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341.7 RELEASE OF INFORMATION

Information or reports received or created by VCR volunteers shall only be released to members of the Appleton Police Department or utilized for the purposes of training volunteers within the program. VCR volunteers shall not release information to sources outside the department.

Volunteers of the program shall not remove any APD reports from the department without approval from the Administrative Services Manager.

VCR volunteers shall keep the identities of crime victims and persons in crisis they have assisted, as well as any case-related or sensitive information that may have been divulged to them, strictly confidential, except when the information is conveyed to police officials.

341.8 TRAINING

VCR volunteers must meet basic qualifications set by the Victim Crisis Response Executive Director and VCR policy manual.

Volunteers must successfully complete the initial Victim Crisis Response training provided by the VCR program as well as meet the standards set by the program for on-going training and involvement.

The VCR Executive Director and/or department liaisons will organize any subsequent training.

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Licensed Premise Inspections

342.1 PURPOSE

The purpose of this policy is to establish guidelines for coordinating licensed premises inspections and controlled alcohol transactions. Primary functions of the licensed premises inspection teams are also covered in this document.

342.2 DEFINITIONS

Controlled Alcohol Transaction - An attempt to purchase alcoholic beverages by an agent of the APD who is not otherwise lawfully permitted to purchase, or consume alcoholic beverages, or loiter in licensed establishments.

Liquor License Year - The start of a liquor license year is July 1 and ends June 30 the following year.

342.3 DISCUSSION

The challenge of reducing the availability and opportunity for purchasing, procuring, and consuming alcoholic beverages by legally prohibited consumers is one the Department takes seriously. To adequately address this social problem, the Department strives to work with alcohol license holders and servers of alcoholic beverages to increase their awareness of the problem and to reduce underage drinking in Appleton.

342.3.1 LICENSED PREMISES INSPECTIONS

Officers will periodically visit premises with liquor licenses to ensure that:

(a) All licenses and permits are current;

(b) Bartenders are properly licensed;

(c) There are no lawfully prohibited patrons on the licensed premises;

(d) Business operations are conducted lawfully;

Inspections reinforce the need to take necessary precautions for obtaining age verification from patrons, thereby ensuring that they are selling only to persons of lawful age.

Inspections at non-licensed premises advertising the sale, giveaway, or bring your own alcohol to events is another focus of the team.

After conducting these inspections, the Department will provide feedback to the licensee, owner, and bartenders involved, identifying any existing violations and problems observed.

342.3.2 LICENSED PREMISES INSPECTIONS TEAM

An appointed coordinator will form a licensed premises inspection team.

This coordinator will provide the respective district commanders with a schedule of on-going inspections of all licensed establishments for the licensing year.

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All licensed premises within the City of Appleton will be subject to a routine inspection a minimum of two times every year. The Licensed Premises Inspections Team will arrange these inspections.

Controlled alcohol transactions will be conducted at least twice per year at all licensed premises to measure compliance with appropriate procedures and practices in the sale, dispensing, and procurement of alcoholic beverages. Repeated violations will result in more intensive enforcement.

The APD will continue to work with license holders to identify areas of concern, improve efficiencies and expand communication.

342.3.3 CONTROLLED ALCOHOL TRANSACTIONS

In addition to licensed premises inspections, the department will conduct controlled alcohol transactions in licensed establishments.

The Licensed Premises Inspections Team will coordinate controlled alcohol transactions and forward the results of the activity to the Lieutenant assigned to the Safety and Licensing Committee for appropriate action. A report shall be completed at the completion of every round of controlled alcohol transactions, with a copy sent to the aforementioned lieutenant.

The following guidelines apply to agents used for controlled alcohol transactions:

(a) The agent should be of an appropriate age for the type of operation, though not looking older than his/her age. The agent should not be chosen with intent to deceive the person(s) operating the licensed premises.

(b) Whenever possible, the agent should be an employee of the APD.

(c) The agent must conduct himself/herself in a straightforward manner, without a deliberate attempt to deceive, trick, or misrepresent.

(d) The agent must not consume any alcoholic product purchased during the operation.

342.3.4 ENFORCEMENT

Any violation observed by an officer while conducting a licensed premises inspection should be addressed at that time with all involved parties.

Any violation observed by an officer while conducting a controlled alcohol transaction should be addressed at that time with an arrest of all involved parties.

The arresting officer will notify the respective licensed premises agent through the issuance of a written warning (in person or by mail).

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Juvenile Policy

343.1 POLICY

Reflecting the interests of the community, it is the policy of the Appleton Police Department to prevent and control juvenile delinquency; develop, perpetuate, and support programs designed to accomplish this goal; and ensure the safety of children in need of protection. While department policy deals with the identification, apprehension, and conviction of juvenile offenders, officers should always explore the most effective solution, consistent with the best interests of the juvenile and the community.

All operational units of the Appleton Police Department (patrol, ISU, etc.) are responsible for their part in investigating juvenile related cases, and maintaining liaison with other agencies and organizations interested in juvenile matters; however, the primary juvenile component exists within the Investigative Services Unit as the School Resource Officer Program.

343.2 PURPOSE

The purpose of this policy is to establish guidelines for handling juveniles who are in need of protection or who have committed acts contrary to state or federal statute or municipal ordinance.

343.3 DIVERSION OF JUVENILE OFFENDERS

All officers should be aware of the alternatives and resources available to the police, juvenile, and the family when the decision to divert a juvenile from the juvenile justice system is made. Current listings of youth and family social service agencies will be made available to all officers and additional information may be obtained from the SRO's.

Officers will attempt to divert any juvenile when circumstances indicate that legal proceedings would not be appropriate and/or the use of other resources would be more effective. The following factors shall be considered when an officer determines if a juvenile should be diverted:

(a) The nature of the alleged offense

(b) The age and background of the alleged offender

(c) The alleged offender's police record, if applicable

(d) The availability of community-based rehabilitation programs

(e) Recommendations for diversion made by a complainant or victim

343.3.1 INFORMAL DISPOSITIONS OF JUVENILE MATTERS

In cases where the facts indicate a juvenile has committed a minor offense and counseling and/or parental involvement will best address the matter, the officer may issue a written or verbal warning, or exceptionally clear the case while advising the parents of the situation.

A copy of any related reports shall be referred to the appropriate SRO, who will attempt to make follow-up contact if needed. Officers should notify the SRO assigned to a juvenile’s school of contact and the reason for the contact prior to the upcoming school day.

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343.4 REFERRALS TO JUVENILE INTAKE

Agency referral of alleged juvenile offenders for formal legal proceedings should be restricted to those cases involving serious criminal conduct or repeated criminal violations.

REFERRALS TO JUVENILE INTAKE PROCEDURE

343.5 CONTROLLED SUBSTANCE / ALCOHOL / TOBACCO VIOLATIONS

343.5.1 CONTROLLED SUBSTANCES AND POSSESSION OF DRUG PARAPHERNALIA

Officers coming into contact with juveniles who are in possession of controlled substances as defined in Chapter 961, Wis. Stats. or in possession of drug paraphernalia shall take enforcement action.

Generally, enforcement of drug possession/sales should result in a referral to Juvenile Intake. Juvenile Intake is able to have the juvenile complete an alcohol and drug assessment and follow through with the recommendations from the assessment. A city summons, however, may be issued if the totality of the circumstances warrants such action.

- Juveniles on supervision, who are in possession of a controlled substance and who are 12-16 years old may also be cited under the municipal ordinances for these violations, if recommended by their assigned social worker.

343.5.2 JUVENILE DRINKING VIOLATIONS

Officers having contact with juveniles who have illegally consumed or are in possession of intoxicants shall take enforcement action.

Violations of municipal ordinance 9-51 will result in the issuance of a city summons (for juveniles 12 to 16 years of age). These offenses shall result in a mandatory juvenile court appearance. The officer should write, "Must Appear" in the bond section of the summons. Officers shall write the number of offenses within a year for underage drinking after the description of the offense on the summons; i.e.: Underage possession of alcohol – 3rd offense.

- Officers shall inform juveniles receiving a first or second offense municipal alcohol violation that they will receive information regarding alcohol diversion programs at their initial court appearance.

A juvenile less than 12 years of age will be referred to Juvenile Intake for violation of § 125.07, Wis. Stats. Juveniles 12-16 years of age with a 3rd offense or more alcohol violation within a year may be reported to Juvenile Intake for violation of §125.07 Wis. Stats., if they are also being referred on a criminal offense.

Officers should check in house records and the Wisconsin Department of Transportation files for indication of prior violations for this offense in order to ensure appropriate enforcement action is taken.

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343.5.3 ABSOLUTE SOBRIETY

If a person has not attained the legal drinking age, as defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she has an alcohol concentration of more than 0.0 but not more than 0.08. Wis. Stat. § 346.63(2m)

An officer shall issue a municipal summons under 9-51 (for ages 12-20) or refer to juvenile court (for ages 11 and under) when an officer has obtained any of the following:

(a) Admission of consumption of alcohol

(b) Odor of alcohol from an individual's breath

(c) PBT result greater than 0.0 and less than 0.08. (When there is probable cause to believe that an individual is in violation of section (1), the officer can request the individual submit to a PBT. Wis. Stat. § 343.303. This level of probable cause is less than that needed for arrest but greater than reasonable suspicion.)

When the officer has probable cause to believe that the individual is above.08% or under the influence of alcohol/drugs/combination, then the officer should proceed with an OWI investigation as described. Wis. Stat. 346.63(1). (See the Impaired Driving Policy)

343.5.4 TOBACCO VIOLATIONS

Sec. 254.92, Wis. Statutes prohibits persons under age 18 from using, possessing, buying or attempting to buy any cigarette, nicotine, or tobacco product. It also prohibits falsely representing one's age to purchase a tobacco product. 10-37 of the Appleton City ordinances has adopted this law, prohibits possessing or purchasing vapor products.

Persons aged 12-17 who are issued a municipal summons for violating this ordinance will be given a Tobacco Education Program brochure at their court appearance. The brochure explains the diversion and education program.

(a) Court dates for those 12-16 years old are juvenile court dates, while persons 17 years old receive adult court dates.

(b) A juvenile may be allowed to participate in a Tobacco or Vaping Education Program.

(c) Persons wishing to participate in the Tobacco Education Program must register for the class on his/her own.

343.6 TRUANCY

The SRO or the juvenile's school official should contact the Truancy Reduction and Assessment Center (TRAC) regarding a juvenile's truancy.

SROs will work with the school attendance administrator to determine if a child qualifies as a habitual truant. The decision to initiate enforcement action will be left to the juvenile's school officials.

(a) For any child 6-17 years of age, the juvenile's school may choose to refer him or her to Juvenile Intake, if he or she is deemed to be a habitual truant (see DEFINITIONS under this procedure).

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(b) The juvenile's school officials will handle enforcement for habitual truancy violations.

Parents may be cited under municipal ordinance 10-43, or referred under § 948.45, Wis. Stats., for Contributing to Truancy, if their actions or omissions contribute to the truancy of the child and the natural or probable consequences of that act or omission would be to cause the child to be truant.

343.7 LOITERING BY MINORS/CURFEW VIOLATIONS

Loitering has been defined in section 10-36 (b) of the City of Appleton Municipal Code as; remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression, "hanging around" between the hours of 10:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday and between 11:00 p.m. and 5:00 a.m. of the following day Friday and Saturday.

Section 10-36 (c) of the ordinance also states that it shall be unlawful for the parent, guardian or other adult person having legal custody or control of any minor to suffer or permit by inefficient control to allow such minor to loiter.

When determining whether a juvenile, parent, or legal guardian is in violation of the loitering ordinance, officers should consider the following:

(a) Juveniles shall be permitted to travel to and from work, school events, and organized activities within the community.

(b) Juveniles accompanied by a parent, guardian or adult person having legal custody or control, are exempt from enforcement action provided they remain under the direct supervision of one of the aforementioned individuals.

Officers shall take enforcement action when they encounter juveniles who are in violation of the loitering ordinance. Officers should consider the following guidelines:

(a) For a juvenile's first violation, a written warning may be issued to the juvenile and to the juvenile's parent or legal guardian. However, if a juvenile has knowledge of the curfew but refuses to comply, the officer should take enforcement action.

(b) For the second and subsequent violations for juveniles 12 and older, it is recommended that a City Summons be issued to the juvenile and to the juvenile's parent or legal guardian.

(c) For second or subsequent violations by juveniles 11 and under, the officer should complete an investigation to determine if the child is receiving adequate care and supervision. If not, a report should be referred to child protection. If the child is receiving adequate care and supervision, a referral can be made to Boy's and Girls Club who can assist the parents with the child. If these options have been exhausted and have been unsuccessful, a juvenile referral for the ordinance violation can be made, under authority of § 938.125, Wis. Stats. The parents or legal guardian of the juvenile can also receive a city summons.

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343.8 RELINQUISHING CUSTODY OF NEWBORN INFANTS

Sec. 48.195, Wis. Stats., was created to protect the well-being of newborn children and to create a “Safe Harbor”—a means to safely and anonymously surrender custody of a newborn child to a law enforcement officer, emergency medical technician, or hospital staff member.

Under this law, a parent of a newborn child can relinquish custody of his/her child into the care of a law enforcement officer, emergency medical technician, or hospital staff member with anonymity and confidentiality unless there is reasonable cause to suspect that the infant has been the victim of abuse or neglect.

This law states that the parent(s) of the newborn may remain anonymous if they wish, and they cannot be detained to attempt to identify them. The only exception is if the officer reasonably suspects child abuse or neglect, or suspects that a person assisting a parent is coercing the parent into relinquishing custody of their child. In that case, they may be detained.

RELINQUISHING CUSTODY OF NEWBORN INFANT PROCEDURE

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Line Inspections

344.1 POLICY

It is the policy of the Appleton Police Department to have supervisors routinely inspect sworn personnel, equipment, and facilities to ensure a general state of operational readiness, as well as compliance with department policies, procedures, rules, and regulations.

344.2 DEFINITIONS

Informal Inspection - The general inspection/observation of personnel that occurs daily. Such inspections routinely include personal appearance and condition of equipment as they pertain to readiness for duty. Informal inspections also include the observation of employees during the performance of their duties to ensure those policies and procedures are adhered to and actions conform to the goals and objectives of the organization.

Line Inspection - The inspection of sworn personnel and the vehicles, equipment, and facilities, which they are in control of. These inspections are conducted by supervisors on a routine basis.

344.3 PROCEDURE

On a daily basis, an employee's appearance, use and maintenance of department equipment, and adherence to procedures, policies, rules, and regulations are subject to inspection. This inspection is primarily informal in nature and is conducted by way of routine observation by a supervisor.

Additionally, supervisors shall informally assess the operational readiness of all equipment and the appearance and functional integrity of the facilities under their control.

Twice per year, in conjunction with performance evaluations and during the month of July, supervisors will be responsible for completing a formal line inspection on each sworn subordinate and CSOs, as well as each assigned and intensive use vehicle under their span of control. The outcome of these inspections shall be recorded on a Line Fleet Inspection Report (APD Form #047) and forwarded to the respective unit commander.

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Legal Process

345.1 POLICY

It is the policy of the Appleton Police Department that the functions associated with the service of legal process shall be carried out in a manner that ensures a high degree of accountability with respect to the sufficiency and accuracy of information, the timeliness of service, the receipt or seizure of funds or property, and the criminal or civil arrest of persons. Members of the department shall serve legal process in a manner that is expeditious and in compliance with the statutes of the State of Wisconsin, this directive, and other agency policies referencing legal process. Civil process will only be served within the narrow parameters permitted by this directive.

345.2 DEFINITIONS

Civil Process - Those writs, summonses, mandates or other process issuing from a court of law, or body with like authority, pertaining to a cause of action of a civil nature. The term includes original, intermediate and final process to be served in any action involving civil litigants. This does not include legal process initiated by a police agency subsequent to an arrest or in the course of an investigation.

Civil Arrest - An arrest made pursuant to a written order from a judge or court commissioner in a civil action or proceeding.

Criminal Process - Those writs, summonses, mandates, warrants, or other process issuing from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime detection or suppression, such as search warrants.

Legal Process - For purposes of this policy, the term legal process is comprised of civil process, criminal process, and the citations, summonses, or other legal documents issuing from a police agency as the result of, or contemporaneous to, an arrest or police investigation.

345.3 RECEIPT OF CIVIL OR CRIMINAL PROCESS

All civil or criminal process issued by a court of law, or body with like authority, and received by the department with an expectation of service shall be recorded to ensure accountability for proper processing and service.

Proper recording of all civil or criminal process shall include the following:

(a) The date and time the process was received.

(b) The type of legal process, whether civil or criminal.

(c) The nature of the document.

(d) The source of the document.

(e) The name of the plaintiff/complainant or defendant/respondent.

(f) The officer assigned for service, if the nature of the document calls for such an assignment.

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(g) The date of the assignment, if the nature of the document calls for such an assignment.

(h) The court docket number, if one exists.

(i) The date service is due, if a specific due date exists.

Proper recording of civil or criminal process as described above, shall be achieved, minimally, through the initiation of a CAD screen, that will enable a record of service attempts to be compiled and maintained.

345.4 SERVICE OF LEGAL PROCESS GENERAL GUIDELINES

Sworn officers shall execute all legal process falling within the scope of the department's lawful responsibility, except for the specific circumstances outlined below.

(a) Community Service Officers may issue summonses for violations of city ordinances relating to vehicle parking, park regulations, bicycle infractions, and animal control violations.

(b) Community Service Officers and other designated department employees may serve notices associated with the commencement of civil proceedings by the City of Appleton.

Service of legal process originating from outside this department, and not specifically directed to a member of this department, shall be limited to providing assistance to other law enforcement agencies in serving copies of summonses or traffic citations, or to serve subpoenas for hearings or trials on matters arising from other police agency enforcement activities.

(a) Such service should occur only when that agency has exhausted all other reasonable means of accomplishing service of the legal process.

(b) The above paragraph does not prevent officers from accompanying representatives from other police agencies or private civil process servers to locations within the City where it appears the presence of an officer may be necessary to ensure the peace and the officer does not involve him/herself in the actual service of legal process.

345.5 SERVICE OF CIVIL PROCESS

The service of civil process emanating from a court of law, including that directing a civil arrest or the seizure of real or personal property, generally falls within the statutory purview of the sheriff.

Employees of the Appleton Police Department shall not act in their capacity as a member of this department to serve any civil process, including civil writs ordering the seizure of real or personal property, unless such process arises from action initiated by the City of Appleton or is specifically directed to the Appleton Police Department by the issuing court.

In the event the department is directed by a court of law to execute civil process that would result in the civil arrest of an individual, the arrest shall be performed in accordance with guidelines established for "arrest with a warrant," found in the Warrant Service Procedures.

In the event the department is directed by a court of law to execute civil process that would result in the seizure of real or personal property, such seizure will be performed by a sworn officer. Any

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property acquired in this civil process function will be accounted for and disposed of in accordance with state statute and policy.

Requests for service of civil process, other than those ordered by a court, shall be returned to the sender with directions to contact the appropriate county sheriff's department or a private civil process server.

345.6 SERVICE OF CRIMINAL PROCESS

Sworn officers shall serve all criminal process directed to the Appleton Police Department.

The service of all criminal process shall be thoroughly documented in a report.

345.7 LEGAL PROCESS SERVICE PROCEDURES

Department employees shall document the date/time that service was executed or attempted by initiating a CAD screen for service of legal process resulting from department arrests or investigations. A supplement report should include the location of the attempt, the original incident number, and any other information deemed pertinent by the officer.

Department employees shall initiate an admin duties radio log status screen for all legal process service attempts for other agencies or City departments, recording the location of the attempt and any other information deemed pertinent by the officer. If unsuccessful, the reason for non-service shall be noted on the status screen. In the event the service is successful, a CAD screen for an agency assist shall be initiated.

Upon service of criminal process, the officer shall complete a report documenting the following:

(a) The date and time the service was completed.

(b) The name of the officer executing the service.

(c) The name of the person on whom the legal process was served.

(d) The method of service.

(e) The address/location of the service.

Upon service of civil process, the employee shall complete an affidavit of service, documenting the following:

(a) The date and time the service was completed.

(b) The name of the employee executing the service.

(c) The name of the person on whom the legal process was served.

(d) The method of service.

(e) The address/location of the service.

Department employees who serve a summons or citation other than at the time of arrest, shall note the following information in the incident report or supplemental report:

(a) The date and time the service was completed.

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(b) The name of the employee serving the summons or citation.

(c) The name of the person on whom the summons or citation was served.

(d) The method of service.

(e) The address/location of service.

Officers serving a copy of a subpoena shall complete the affidavit of service and shall return that document to the Assistant City Attorney's administrative assistant for filing or return to the sending agency.

345.7.1 SERVICE OF LEGAL PROCESS CORPORATIONS

Citations or city summonses issued against a corporation may be served upon any officer, director, or managing agent of the corporation.

In lieu of the personal service as described above, the department employee may serve the citation or summons by leaving a copy of it at the office of the corporate officer, director, or managing agent with the person who appears to be in charge of the office.

345.7.2 SERVICE OF PROCESS RELATED TO THE COMMENCEMENT OF CIVIL ACTION BY THE CITY OF APPLETON

Upon commencement of a civil action by the City of Appleton, the City Clerk will forward any civil process documents needing to be served to the police department.

A department employee may serve these documents only within the city limits of Appleton and with the approval of a department supervisor.

The documents will be served within the following guidelines:

(a) The department employee will attempt to serve the document to the person named in the process, or it may be delivered to anyone, over the age of 14, at the house.

(b) If contact is made, but receipt of the document is refused, the department employee will leave the premises and notify a supervisor for assistance.

(c) After service of the document, the department employee will complete the affidavit of service.

345.8 SERVICE OF LEGAL PROCESS IN FOREIGN JURISDICTIONS

A department employee, with consent of an on-duty supervisor, may accomplish service of summonses, citations and subpoenas at locations near the City of Appleton. If circumstances warrant, the employee may request the presence of an officer from that jurisdiction to be present at the time of service.

Except as noted above, service of summonses and citations at locations outside the City of Appleton shall be accomplished by mailing the defendant's copy to the defendant's last known address. Care should be taken to determine the most accurate address possible. A cover letter shall be enclosed explaining the reason for the citation and outlining who to contact with questions. The officer should take reasonable steps to determine whether the defendant received the citation.

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Except as noted above, service of subpoenas at locations outside the City of Appleton shall be accomplished as follows:

(a) For witnesses the employee has reason to believe will appear voluntarily, the employee shall telephone the witness and inform him/her a subpoena will be mailed to their residence. The subpoena shall be mailed with a cover letter directing that an enclosed postcard be executed and returned to the department confirming service of the subpoena.

(b) For witnesses the employee has reason to believe will be reluctant to appear voluntarily, the original and one copy of the subpoena shall be mailed to the police agency where the witness resides. A cover letter to the police agency shall be enclosed requesting service. The cover letter shall request that the officer serving the subpoena execute the Proof of Service on the back of the original of the subpoena and return that document to this department.

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Alarms

346.1 POLICY

It is the policy of the Appleton Police Department to respond to alarm reports in an organized, predetermined and professional manner. To provide for the protection of officers and the welfare of the public, officers are to assume all reports of an alarm involve an actual crime-in-progress, or an emergency such as a fire, until determined otherwise.

346.2 DEFINITIONS

Alarm - Any signal, message or other communication transmitted by an alarm system, alarm business, central monitoring station, or other device, which causes a response by the police or fire department. This definition includes audible alarms whereby neighbors or other persons in the area report the alarm to the Communications Center.

False Alarm - Any alarm which is later determined by the officer not to have been as the result of an existing emergency or other unlawful situation.

Chargeable False Alarm - Alarms caused by alarm user or employee error, mechanical malfunction, negligence of the alarm user or his/her employees or alarms for unknown causes.

Enhanced Call Verification - An attempt by the alarm business or its representative to contact the alarm site, alarm user and/or key holder by telephone and/or other electronic means to avoid an unnecessary alarm dispatch. If no contact is made with a person, an attempt is still made to determine whether an alarm signal is valid before requesting law enforcement response to the alarm signal.

Non-chargeable Alarms - Alarms which are determined to have been caused by an existing emergency, unlawful incident or other exception listed below in this policy.

Verified Response - Verification by the alarm business or its representative of the legitimacy of an alarm at the scene through independent means such as witness verification, live listening devices or live video monitoring.

346.3 DISPATCH GUIDELINES

Upon receipt of an alarm announcing possible criminal activity, the Communications Center will immediately assign two officers to respond to the scene. Additional officers may be assigned if the nature of the alarm, size of the building or other information available to the Communications Center indicates the need for additional officers.

Alarms related to non-criminal activity; e.g., fire or medical situations, shall result in the assignment of one officer unless on-scene assessment dictates the need for additional resources.

346.4 RESPONSE GUIDELINES

When approaching the scene, officers should be aware of possible lookouts or getaway vehicles.

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To prevent a potential hostage situation or the escape of suspects, officers should respond to the immediate area of an alarm without the use of emergency lights and siren and covertly take up positions where they can observe the building exits without being seen.

If suspects are observed in or exiting the premises, officers shall permit the suspects to clear the building before making any attempts to detain or apprehend the suspects. The safety of employees, residents, and bystanders is a primary consideration.

Non-assigned units in areas adjacent to the alarm scene should position themselves along possible escape routes.

If the suspects have fled the scene prior to the arrival of officers, officers shall secure the building. Additionally, officers shall obtain descriptions of suspects and vehicles and their direction of escape and transmit this information to officers in the field. If appropriate, assigned officers shall also notify their supervisor, who is ultimately responsible for notifying both the Investigative Services Unit and the Evidence Unit. The building should then be secured pending the arrival of these personnel.

If suspects become trapped in the building, officers shall establish a perimeter around the building and notify a supervisor, who shall respond to the scene. The on-scene supervisor shall be responsible for devising a plan for apprehension of the suspects that may include activation of SWAT. If potential or actual hostages are involved, the on-scene supervisor shall contact the SWAT supervisor to develop a coordinated response to the incident.

If responding officers observe employees or residents engaging in routine activities, the Communications Center or officers on the scene may attempt to contact an employee/resident to have them exit the premises and meet with officers. The reason for the alarm shall be investigated and a brief security check shall be made of the premises even if the person contacted indicates the alarm to be false.

If officers do not detect activity within the premises they shall conduct a thorough security check of the building exterior. Officers may forego this inspection in the event of a lightning storm, due to the inherent risks and the high probability the alarm resulted from the weather conditions.

If responding officers determine that the business/residence appears to be secure and no one is on the premises, the Communications Center shall advise the officer if the central alarm monitoring station for the alarm user has contacted a key holder who will respond to the scene.

(a) Upon obtaining access, officers can conduct a building search and confirm the alarm to be false.

(b) Final determination of the alarm’s status shall come following an inspection of the premises by the key holder.

(c) Officers shall not permit the key holder to enter a location that has not been rendered safe.

(d) If no key holder responds, the officer shall check the exterior of the building and may leave if the building appears to be secure. If the building is not secure, the officer

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may need to further check the building as a community caretaker and take reasonable measures to secure the building before leaving.

Alarm cancellations for burglar alarms can be accepted by the Communications Center through the central alarm monitoring station used by the alarm location. The central alarm monitoring station will need to verify that the person requesting the cancellation has the proper passcode. Cancellations for hold-up, panic, or fire alarms will not be accepted. Officers who are dispatched to a burglar alarm prior to a cancellation being received are not obligated to continue their response.

346.4.1 FINANCIAL INSTITUTIONS

Upon officer arrival at a financial institution for a holdup or panic alarm, the Communications Center shall telephone the location and tell whoever answers, a predetermined message inquiring about the status of a fictitious account.

If the person at the financial institution answers “yes,” this indicates it is a real alarm. If the person answers “no,” this indicates it is a false alarm. The responding units will be notified accordingly.

Whenever an employee indicates the alarm to be false, one employee shall be directed to meet the responding officers outside at a specific location. The responding officer shall be notified that it has been reported as a false alarm and shall be given a clothing description of the employee who will exit the building. If officers have yet to arrive at the scene, at least one officer shall continue to the scene and confirm the false alarm by interview of the employee and physical inspection of the premises.

346.5 FALSE ALARMS

All alarms will be considered valid alarms until determined otherwise by responding officers or upon cancellation of a burglar alarm by the central alarm monitoring station through the Communications Center. Officers should be mentally and physically prepared to encounter a crime in progress upon arrival at any alarm site.

Upon determining that an emergency situation does not exist, officers shall enter proper information and clearance into Spillman. This entry is to be completed even if officers were told to cancel their response prior to their arrival.

346.5.1 FALSE ALARM FEES

A fee will be charged to the owner of any alarm system that emits a false alarm if the definition of a chargeable false alarm has been met.

The following alarms are non-chargeable:

(a) Alarms activated by criminal activity or a legitimate emergency.

(b) Alarms activated after a power outage that lasted more than four (4) hours.

(c) Alarms that are activated after the premises was damaged by weather conditions.

(d) Alarms where the Fire Department has assessed a fee for a false fire alarm.

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(e) Alarms that are cancelled prior to the Police Department arriving at the premises and documentation is provided that enhanced call verification or verified response procedures were properly utilized.

Officers shall enter proper information in Spillman except for fire alarms,alarms activated by criminal activity,or a legitimate emergency. In those cases, CAD notes are sufficient.

In the case of an alarm cancellation, officers will note in the CAD notes whether they were already on scene when the cancellation request was made, whether the cancellation was made prior to their arrival on scene but they chose to respond anyway, or whether the cancellation was made prior to their arrival on scene and they did not respond to the location.

If a crime, other legitimate emergency, other unlawful activity or the circumstances of the incident requires the preparation of a report, the initial alarm service screen may be used for the incident.

False fire alarms shall be processed, and the service screen cleared, by Fire Department personnel.

346.6 PROPER CAD CLEARANCES

For incidents that are categorized as non-billable, notes are to be added to the CAD screen and closed with dispositions “False Alarm/Closed”.

For incidents that are categorized as billable, specific information needs to be added prior to being closed. Information includes:

(a) What is the name of the security company?

(b) Was a key holder attempted by the security company?

(c) Did you attempt to contact a key holder on your own?

(d) What were the weather conditions?

(e) Write a brief explanation or comments such as secured/unsecured doors, animals in the area, nothing seen, or other information observed which may be relevant. Once that information has been added, the incident shall be closed with dispositions, “False Alarm/False Alarm”.

346.7 ALARM ADMINISTRATOR

The Alarm Administrator shall monitor all false alarm reports in Spillman. After determining the number of previous alarms in the current calendar year, he/she shall forward necessary information to the Finance Division for billing purposes.

346.7.1 ALARM BILLING APPEAL PROCESS

The Alarm Administrator is designated as the representative of the Chief of Police for receipt and determination of alarm appeals.

An alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Police Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in

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writing. If the alarm user further contests the Chief or designee's decision within ten (10) days of receiving this decision, the alarm user may seek review by the Safety & Licensing Committee by submitting a written notification to the City Clerk's Office.

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Facility Canine

347.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of facility canines to enhance law enforcement services for victims of crime. Facility canines may be used in the treatment of trauma and mental health by providing well trained dogs as a medium in those efforts.

Internally:The Facility K9 program will assist first responders and all staff within the Department cope with exposure to traumatic events and support efforts aimed at increasing resilience to improve mental health and wellness.Facility K9's will also be made available to all divisions within the Department to assist in their individual missions.

Externally: The Facility K9 program will support community partners whose mission it is to provide services to those affected by trauma, mental health and crime.

347.2 POLICY

It is the policy of the Appleton Police Department that teams of canines and handlers meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement and therapy objectives.

347.3 ASSIGNMENT

Facility K9 teams are assigned to the Community Resource Unit within the Patrol Division.

Facility K9 teams are available on a 24-hour, on-call basis. An employee assigned as a canine handler will ensure that the front desk has up-to-date contact information to be reached during off-duty hours unless on a scheduled leave day or with prior approval of his or her supervisor. The employee will not receive additional compensation for being available via phone.

The City shall be responsible for expenses related to its dogs' care and maintenance, as deemed necessary by the City e.g. outdoor pen, kennel training supplies, as well as required licenses, immunizations, and medical visits. The immunizations and medical needs shall be provided by a veterinarian agreed upon by both the handler and the department. Decisions regarding the medical treatment for the canine should be discussed with the Department.

347.4 CANINE COORDINATOR

The Community Resource Lieutenant will serve as the coordinator of the Facility K9 program.

347.5 FACILITIES DUTY

Canine facility teams are expertly trained dogs who partner with an officer to work in an educational outreach role. The team will be utilized in situations which can include (but are not limited to):

(a) Non-violent student interventions: Working with a student in crisis to provide comfort and/or support to reduce the time the student is in crisis and to assist in getting the student back into control of their behavior.

(b) Victim support: Deploying the team to a critical incident or interview of a victim to provide support.

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(c) Community outreach: The team may attend community events as a tool to reach out to the community and assist in building community relationships.

347.6 FACILITY K9 TEAM OPERATIONS

It is generally expected that once a handler/canine team successfully attains certification through a nationally recognized facility canine association that the canine will be an extension of the handler and accompany them as they go about their daily duties.

It is expected that if the handler has prior knowledge where the presence of a canine would aggravate a situation, such a meeting someone with a fear of dogs, dog allergies, particular cultural beliefs etc., that they make prior arrangements to leave their canine safely secured while tending to daily business.

As secondary responders, Facility K9 Teams shall not be utilized during active scenes unless it is emergent. The Facility K9 will be secured inside the handler's vehicle until the scene is secure and the handler determines if services are needed and can be rendered safely. Safety considerations will include the presence of other unsecured animals who could pose a threat to the K9.

347.7 ASSIGNMENT

The Facility K9 will be assigned to the Victim Services Officer and the Community Resource Unit. The length of the assignment will be a minimum of six years and may be influenced by the service life of the dog.

The City reserves the right to determine the shift assignment of the canine handler. The work schedule is established in the collective bargaining agreement.

347.8 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(b) When a handler is off-duty for an extended number of days, the CRU supervisor has the discretion to decide where the vehicle shall be stored.

(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) Maintaining records that document the use and the proficiency of individual canines. This documentation shall be readily available to the CRU Lieutenant for review of performance and qualifications and others who may need it when seeking warrants.

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347.8.1 CANINE IN PUBLIC AREAS

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

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

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains habitable for the canine.

347.9 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Community Resource Unit Lieutenant.

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

347.10 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the Fox Valley Referral Center. All records of medical treatment shall be maintained in the handler's personnel file.

347.11 END OF SERVICE LIFE OR ASSIGNMENT

When the dog's service life as a Facility K9 has been exhausted, the employee assigned as the dog's handler at the time shall be allowed to adopt the dog from Canine Companions.

If, the officer assigned to the position of Victim Services Officer fails to meet the expectations of the position, or voluntarily requests to transfer to another position, the Department will work with Canine Companions to determine if the dog can be reassigned.

347.12 TRAINING

The Facility K9 handler is responsible for regular training with the canine to ensure that necessary proficiency is maintained.

All training shall be properly documented and recorded with the CRU Lieutenant and the Professional Development Coordinator.

347.13 VEHICLE OPERATION AND CONTROL

Canine vehicles assigned to canine officers will be used for transporting the canine, responding to calls for service, training or any other assignment determined by the CRU Lieutenant.

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(a) These vehicles will also be utilized in transporting the canine to and from the officer's private residence and/or transportation of the animal in emergency and non-emergency situations to designated animal clinics.

(b) Canine handlers are responsible for the operation and maintenance of canine vehicles in accordance with department policy.

Canine vehicles will only be operated by assigned canine officers unless approved by the canine handler or supervisor.

Facility K9 vehicles should be equipped with the following items:

- Emergency front and rear lights and siren
- Canine cage insert
- Tinted windows
- Temperature monitoring system
- Canine vehicles should also contain supplies and emergency equipment necessary for proper deployment

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Service Animals

348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

348.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

A "service animal" also includes a dog undergoing training to become a service animal, and any other animal that is trained or undergoing training to do work or perform tasks for the benefit of an individual with a disability (Wis. Stat. § 106.52).

348.2 POLICY

It is the policy of the Appleton Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service animal as allowed by law (Wis. Stat. § 106.52).

348.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Appleton Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.

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- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

348.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

348.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

348.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

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348.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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ADA Compliance

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Appleton Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

349.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Appleton Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders department services, programs, or activities suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary

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interpreters. Qualified sign language interpreters shall be licensed as required (Wis. Stat. § 440.032).

349.2 POLICY

It is the policy of the Appleton Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

349.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the Appleton Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current department facilities to identify access issues.
2. Review of current department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

349.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

349.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

349.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

349.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

349.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

(a) The methods of communication usually used by the individual.

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(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

349.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

349.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

349.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

349.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

349.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

349.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

349.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to

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determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

349.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

349.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

349.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

349.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

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All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

349.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

349.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Professional Development Lieutenant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

349.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

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ADA Compliance

Training should be provided for all the Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Vehicle Pursuits

350.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects (Wis. Stat. § 346.03; Wis. Admin. Code § LES 3.07).

350.1.1 DEFINITIONS

Definitions related to this policy include:

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

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

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

Vehicle pursuit - An attempt by one or more law enforcement officers to apprehend a suspect in a motor vehicle who, having been given a visual and audible signal to stop, fails to yield or uses high-speed driving or other evasive tactics (e.g., driving off a highway, turning suddenly, increasing the speed of the vehicle, extinguishing the lights of the vehicle) in an attempt to avoid arrest (Wis. Stat. § 85.07).

350.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

350.3 INITIATING A PURSUIT

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public.

Appleton officers may initiate a pursuit if any of the following situations are present:

(a) The subject has committed, is attempting to commit, or is threatening to commit a crime which involves an action that an officer reasonably believes resulted in or could have resulted in death or great bodily harm to a person or persons. A few examples include, but are not limited to:

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2. Robbery where the suspect displays a weapon
3. An aggravated or substantial battery involving a weapon
4. Kidnapping
5. An occupant of the vehicle has a warrant fitting the criteria above

(b) The subject, if allowed to escape, poses a significant threat of great bodily harm or death to a person or persons.

(c) When an officer observes the operation of a motor vehicle, prior to the initiation of a pursuit, and evaluates that the continued operation of this vehicle would cause great bodily harm and/or immediate risk to public safety.

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider (Wis. Stat. § 346.03; Wis. Admin. Code § LES 3.07):

(a) The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.

(b) Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.

(c) Whether the suspect vehicle's registration is known with enough certainty to enable apprehension of the suspect at a later time.

(d) The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, and road and weather conditions.

(e) The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.

(f) The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).

(g) Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).

(h) Whether the pursuing unit is carrying passengers other than on-duty policeofficers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.

(i) The availability of other resources such as air support or vehicle locator/deactivation technology.

350.4 PURSUIT UNITS

Vehicle pursuits should be limited to three policedepartment emergency vehicles. However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects. Supervisor approval should be obtained, if possible, prior to additional units joining the pursuit.

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350.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized policedepartment vehicles that are equipped with emergency lighting and sirens as required by law. Each pursuit unit's emergency lights and sirens shall remain activated throughout the unit's participation in the pursuit (Wis. Stat. § 346.03).

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

350.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, policedepartment motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

350.4.3 PRIMARY UNIT

The initial pursuing officer should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to themself or others.

As soon as practicable, the primary unit should notify the Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

(a) The location, direction of travel, and estimated speed of the pursuit.

(b) The description of the fleeing vehicle, including the license plate number, if known.

(c) The reason for the pursuit.

(d) A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).

(e) Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.

(f) The suspected number of occupants and their identities or descriptions.

(g) The weather, road, and traffic conditions.

(h) The need for any additional resources or equipment.

(i) The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

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350.4.4 SECONDARY UNIT

The second officer in the pursuit should be designated as the secondary unit and is responsible for:

(a) Notifying the Communications Center of their entry into the pursuit.

(b) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(c) Identifying the need for and requesting additional resources or equipment as appropriate.

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

350.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

(a) Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(b) Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.

(c) Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:

1. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
2. Request other units to observe exits available to the fleeing vehicle.
3. Deploy tire deflation devices.
4. Use a patrol car to serve as a stationary or moving roadblock.
5. Employ a patrol car contact to execute a PIT maneuver.
6. Pin a wrong way vehicle against a continuous median barrier.

(d) Pursuing units should request that the Communications Center notify the Wisconsin State Patrol (WSP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

350.5.1 RULES OF THE ROAD

Officers shall drive with due regard for the safety of all persons and property. However, when in pursuit, if there is no unreasonable risk to persons and property, officers may (Wis. Stat. § 346.03):

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

(b) Exceed the speed limit.

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

350.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended crash or a suspect intentionally trying to ram the policedepartment vehicle.

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point.

350.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

(a) Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.

(b) Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.

(c) Confirming that no more pursuing units than required are involved in the pursuit.

(d) Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.

(e) Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.

(f) Requesting additional assistance from other resources, if available and appropriate.

(g) Verifying that the proper radio channel is being used.

(h) Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.

(i) Continuing the management and control of Appleton Police Department units when a pursuit enters another jurisdiction.

(j) Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

The patrol lieutenant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

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350.7 RADIO COMMUNICATIONS

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher.

Communications Center personnel and the supervisor assigned to monitor the pursuit shall coordinate the actions of the pursuing officer(s) with members of other agencies who may join in the pursuit. Whenever a pursuit leaves the City of Appleton and enters another jurisdiction, the monitoring APD supervisor or the supervisor of the jurisdiction being entered may request APD Channel 1 be patched to the primary channel of the jurisdiction being entered (i.e., Outagamie County, Winnebago County, etc.) The patching will be based on supervisor request, radio traffic volume and Communications Center staffing. Patching joins the two talk groups and enables radio traffic to be heard by both jurisdictions. Patching is not possible with Calumet County.

When a pursuit enters Appleton from another Outagamie County jurisdiction, involved officers shall switch their radio frequency to Outagamie channel 1. Whenever a pursuit enters Appleton from another jurisdiction in Winnebago County, the monitoring APD supervisor may request APD channel 1 be patched to the primary channel of the jurisdiction where the pursuit originated. The communications center can patch Appleton channel 1 to another frequency in Winnebago County, such as Neenah/Menasha or Winnebago main, at the officer's request. Whenever a pursuit enters Appleton from Calumet County, officers should stay on Appleton channel 1. Patching is not possible with Calumet County.

350.8 INTERJURISDICTIONAL CONSIDERATIONS

The primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

350.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Appleton Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

350.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

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When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Appleton Police Department, the Patrol Lieutenant or supervisor should review the request as soon as practicable, taking into consideration:

(a) Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.

(b) Whether there is adequate staffing to continue the pursuit.

(c) The available units' capabilities to maintain the pursuit.

(d) The number of available units and other resources of the pursuing agency.

(e) The pursuit meets our criteria for initiating and continuing the pursuit.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

350.9 PURSUIT INTERVENTION

Pursuit interventions should be considered and used to swiftly and effectively end a pursuit.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

350.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.

(b) Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.

(c) Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.

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(d) Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.

(e) Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(f) Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

350.9.2 PIT

Only those officers trained in the use of PIT will be authorized to use this procedure and only then with the approval of a supervisor, time-permitting, upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle.

Before conducting a PIT, officers should consider factors such as:

(a) Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle.

(b) Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered.

(c) Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.

(d) Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.

(e) Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

A pre-emptive PIT may be applied in limited circumstances without a prior attempt to stop a moving suspect vehicle by emergency lights and siren where it is prudent to disable the suspect vehicle before the suspect becomes aware of an attempt to stop. This pre-emptive PIT may only be done of all of the following apply:

(a) The suspect is either wanted for a violent felony or is a suspected impaired driver who poses an imminent threat to public safety.

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(b) The officer has confirmed the suspect is in the vehicle, if a suspect is known.

(c) The officer reasonable believes an attempt at a conventional stop will likely cause the driver to flee and endanger others.

(d) All other reasonable intervention techniques have failed or would reasonably appear to be ineffective or dangerous to the occupants and/or officers.

(e) No civilian vehicles are being used to deploy the tactic.

(f) A supervisor has given prior approval for the technique.

350.9.3 CHANNELIZATION

Officers may deliberately divert or direct a suspect vehicle into a given path or location by using stationary objects placed in the current path of a suspect vehicle. This tactic directs the suspect vehicle away from populated area, high traffic areas, or intersections.

Channelization is not itself a tactic that induces a fleeing vehicle to stop. Officers may use police vehicles, barricades, flares, or traffic cones and should seek a position of cover away from police vehicles being used for the channelization.

350.9.4 BOXING-IN (MOVING ROADBLOCK)

Boxing-in should only be used when the fleeing vehicle is stopped or traveling at a low speed and requires the participation of multiple units.

Officers may use this tactic to stop a suspect's vehicle by surrounding it with three or four police vehicles and then slowing all the vehicles to a stop.

(a) All police vehicles will have their emergency lights and siren activated.

(b) If anyone in the suspect vehicle is known to be armed with a weapon or a weapon is displayed by anyone in the suspect vehicle, this tactic will either be aborted or not used.

(c) Officers should use additional police vehicles to either divert or stop other traffic in the area where the moving roadblock is being conducted.

(d) Once the suspect vehicle is stopped, officers will use police vehicles to pull up tight to front and rear of the suspect vehicle to prevent unnecessary damage and further movement. Officers should treat the stopped suspect vehicle as a high risk vehicle contact.

350.9.5 RAMMING AND ROADBLOCKS

Officers may use a roadblock with an escape route to induce a suspect vehicle operator to stop. The driver will have enough time and distance to stop prior to the roadblock. Sufficient room will be left for the suspect operator to pass through the roadblock if the suspect chooses not to stop.

(a) A safe location on a straight and level stretch of roadway with sufficient sight and stopping distance shall be used.

(b) Emergency lights on police vehicles shall be used.

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(c) Headlights, spot lights, or takedown lights shall not be directed toward the approaching suspect vehicle.

(d) A minimum of 75 feet shall be left between police vehicles used for the roadblock for the suspect vehicle to pass through should the suspect choose not to stop. The escape route should be obvious.

(e) Officers shall not remain in police vehicles used for the roadblock.Officers should move to a position of cover that will stop a vehicle.

(f) The location of the roadblock shall be broadcast on the radio.

(g) Use of civilian vehicles or private property is prohibited.

Roadblocks with no escape route shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(a) Officers may use this tactic to completely block the roadway without providing an alternative route for the suspect. If the suspect does not stop, they will crash.

(b) If time permits, officers should set up the roadblock on a straight and level stretch of roadway with sufficient sight and stopping distance.

(c) Emergency lights on police vehicles shall be activated.

(d) Headlights, spot lights, or takedown lights shall not be directed toward the approaching suspect vehicle.

(e) Officers shall not remain in police vehicles used for the roadblock. Officers should move to a position of cover that will stop a vehicle.

(f) The location of the roadblock shall be broadcast on the radio.

(g) Other traffic must be diverted or stopped before reaching the roadblock area.

Ramming is not a trained technique and should be considered a deadly force tactic.

(a) Officers may use this tactic to deliberately impact a suspect's vehicle with a police vehicle to functionally damage or otherwise force the suspect vehicle to stop.

(b) The outcome of ramming cannot be predicted. The tactic presents a high likelihood of injury or death to both the suspect and the officer.

(c) If time and circumstances permit, officers should choose a location having a low possibility that pedestrians, civilian vehicles, and fixed objects may be struck by the suspect vehicle or police vehicles.

350.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually re-evaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when (Wis. Admin. Code § LES 3.07):

(a) A supervisor directs the pursuit to be terminated.

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(b) The location of the fleeing vehicle is no longer known.

(c) The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

(d) The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

(e) It is necessary to stop to render aid to an injured person and no other officer is available to do so.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

350.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

350.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

350.11 DEBRIEFING

Participating officers should debrief with a supervisor as soon as it practical following a pursuit.

350.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures. This report should be completed in Axon Standards. A TRACS report may also be required.

(a) Pursuing officers should complete appropriate crime/arrest and pursuit reports.

(b) The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:

1. Date and time of the pursuit.
2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.

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4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. Audio and video recordings of the pursuit.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police shall direct a biennial, documented review and analysis no later than June 30th of every even-numbered year of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs (Wis. Stat. § 346.03). The review should not contain the names of officers, suspects, or case numbers.

350.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Records Manager shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation, using their required form. The report shall be filed no later than August 15th of each year and shall contain the following information (Wis. Stat. § 85.07):

(a) The circumstances of the vehicle pursuit, including the distance, location, and maximum speed.

(b) The reasons for initiating the vehicle pursuit.

(c) The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

350.13 PURSUIT TRAINING

The Professional Development Coordinator should ensure that members of this department receive training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

350.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Biennially, at least four hours of the recertification training curriculum will be based on the model standards established by the Law Enforcement Standards Board (LESB) and shall be delivered

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by a LESB-certified Emergency Vehicle Operations and Control (EVOC) instructor (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Appleton, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week. ADMINISTRATIVE PATROL FUNCTION PROCEDURES

Patrol will generally provide services within the limits of available resources. These include:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and crashes, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

(j) Response to disasters, civic unrest and natural emergencies.

See the Officer Assignments Procedures for several variations in officer response guidelines.

400.1.2 TERRORISM

It is the goal of the Appleton Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigative Services supervisor and the Threat Assessment Officer in a timely fashion.

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The Investigative Services supervisor shall review all terrorism-related reports as soon as practicable and contact the Wisconsin Statewide Intelligence Center (WSIC), the Wisconsin Joint Terrorism Task Force (JTTF) or the Southeastern Wisconsin Terrorism Alert Center (STAC) when there is a reasonable suspicion that a terrorist threat exists.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various divisions of the Appleton Police Department.

400.2.1 CRIME ANALYST

The Crime Analyst will be the central location for information exchange. Criminal information and reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol, investigative and special unit supervisors are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits. Shift alerts will be reviewed at the briefings. SHIFT ALERT PROCEDURES

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Appleton Police Department's commitment to policing that is fair and objective. The purpose of this policy is to unequivocally state that the Appleton Police Department does not condone any use of racial or bias-based profiling as a means to accomplish any law enforcement objective. Furthermore, this policy provides strict guidelines to prevent the application of bias-based tactics, investigate alleged occurrences, and protect officers who act within the dictates of the law and this policy from unwarranted accusations.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This also includes color, ancestry, political affiliation, marital status, or other identifiable characteristics.

401.2 POLICY

The Appleton Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

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401.4.1 REASON FOR CONTACT

To ensure equal protection under the law, Appleton police officers are deployed by area, time of day, and day of week in a manner that is determined by workload analysis and is not influenced by the particular demographics of a segment of the community.

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI)), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review BWC recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Assistant Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

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Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and impartial policing should be conducted as directed by the Professional Development Coordinator and the Training Unit.

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Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift (0650, 1450, & 1850). Power shift officers must self-brief by reviewing the daily activity log, shift alert slides, and the duty roster. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing, however, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, certain basic tasks, including:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

(f) Assessing officer readiness for patrol.

402.2 PREPARATION OF MATERIALS

The supervisor conducting briefing, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing training. A supervisor may delegate this responsibility to a subordinate officer in their absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing materials and a curriculum or summary shall be forwarded to the Professional Development Coordinator and the Training Unit for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Appleton Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until they are properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access (APD Form #19).

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 INVESTIGATIVE SERVICES UNIT LIEUTENANT RESPONSIBILITIES

The Investigative Services Unit Lieutenant is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.7 CRIME OR DISASTER SCENE CLEANUP

Crime scene cleanup on public property will be requested through the Department of Public Works. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)). On a case-by-case basis, scene supervisors may choose to assist private property owners with scene cleanup by contacting the vendor under city contract for such a purpose.

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Division of Criminal Investigation (DCI) should be notified. The Wisconsin Department of Natural Resources (WisDNR) should be notified to assess environmental impacts from outdoor chemical spills or improper waste disposal (Wis. Stat. § 254.59; Wis. Stat. § 292.11).

403.8 TRAINING

The Investigative Services Unit Lieutenant should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

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Special Weapons and Tactics

404.1 PURPOSE AND SCOPE

The Special Weapons and Tactics (SWAT) has been established to provide specialized support in handling critical field operations where special tactical deployment methods beyond the capacity of field officers appears to be necessary.

While often working collaboratively on incidents, a separate policy governs the Crisis Negotiations Team (CNT).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Weapons and Tactics are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 CAPABILITY/TRAINING

The APD SWAT Team is not a full-time unit, but is comprised of individuals with various permanent duty assignments. The Team may be activated whenever necessary to accomplish the goals of the agency while attempting to ensure the maximum safety of the citizens served by the Appleton Police Department. Activation may occur for a variety of problems; e.g., hostage situations, barricaded subjects, snipers, civil disturbances, high-risk arrest and search warrants and surveillance.

404.3 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

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(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extra jurisdictional response

(i) Specialized functions and supporting resources

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.

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3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.

2. Transition to investigations and/or other units.

3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.

(b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

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404.4 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should complete an approved basic SWAT course or its equivalent, when available.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training/certification as required by the Department every 24 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

404.4.4 SWAT ON-GOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 90 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 90 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 90-

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day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Monthly each SWAT team member shall perform mandatory SWAT firearms courses, as directed by SWAT Command.

(e) Each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a firearms instructor approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Support Services. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT AND FIREARMS

404.5.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

404.5.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT team shall appoint a SWAT team leader to perform an operational readiness inspection of all unit equipment at least annually. The result of the inspection will be

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forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.6 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS

The commander of the SWAT shall be selected by the Chief of Police upon recommendation of the staff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Assistant Chief, the Special Weapons and Tactics shall be managed by the appointed SWAT Commander.

404.6.2 TEAM LEADERS

The SWAT team will be supervised by a team leader(s) who have been appointed by the SWAT Commander.

The SWAT team leader's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT Commander.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a request to their appropriate supervisor, a copy of which will be forwarded to the SWAT Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process may consist of an oral board, physical agility test, weapons proficiency, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT commander. Applicants will be evaluated by certain criteria, which include:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

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(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) Weapons Proficiency: Candidates will be invited to shoot an established SWAT basic drill for the handgun and rifle. A minimum qualifying score will be established in advance of the test.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the staff by the SWAT Commander for final selection.

404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

404.8 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that the tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Weapons and Tactics should respond. Upon final determination by the Patrol Lieutenant, the SWAT commander or designee will be notified.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF A SPECIAL WEAPONS AND TACTICS

Examples of incidents that may result in the activation of the Special Weapons and Tactics include:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Cases of suicide threats involving weapons and there is an articulable risk to community safety

(d) Arrests of persons reasonably believed to be dangerous

(e) Any situation in which SWAT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

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404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Lieutenant. Deployment of the Appleton Police Department Special Weapons and Tactics in response to requests by other agencies must be authorized by the Assistant Chief or designee.

404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Appleton Police Department SWAT team shall operate under the policies, procedures and command of the Appleton Police Department when working in a multi-agency situation.

404.8.5 MOBILIZATION OF SPECIAL WEAPONS AND TACTICS

The on-scene supervisor shall make a request through the SWAT Commander for a team response. If unavailable, the Assistant SWAT Commander shall be notified. A current mobilization list shall be located at the APD front desk and maintained by the SWAT Commander. The SWAT Commander will then notify the Assistant Chief as soon as practicable.

The patrol supervisor should brief the SWAT Commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWAT Commander shall then authorize a team mobilization.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Weapons and Tactics, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

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(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT team, the patrol supervisor or designee shall brief the SWAT Commander and team leaders. The SWAT Commander shall then be responsible for the tactical portion of the operation. The patrol supervisor shall continue supervision of the outer perimeter security and support for the SWAT team. The patrol supervisor and the SWAT Commander or the authorized designee shall maintain communications at all times.

404.8.8 COMMUNICATION WITH SPECIAL WEAPONS AND TACTICS PERSONNEL

All persons who are non-Special Weapons and Tactics personnel should refrain from any non-emergency contact or from interference with any member of the unit during an active incident. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the designated personnel.

404.9 SWAT PROCEDURAL LINKS

The following links provide access to content located in the SWAT Procedure Manual:

401.2 COMPOSITION AND STRUCTURE

- 401.2.1 SWAT COMMANDER
- 401.2.2 ASSISTANT SWAT COMMANDER
- 401.2.3 LOGISTICS/SUPPLY OFFICER
- 401.2.4 TEAM LEADER
- 401.2.5 SENIOR SWAT MEMBER
- 401.2.6 SWAT MEMBER
- 401.2.7 PROBATIONARY SWAT MEMBER

401.3 SWAT SELECTION PROCESS

- 401.3.1 PROBATIONARY SWAT MEMBERS TRAINING AND MENTORING

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401.4 SWAT SPECIALTY TEAMS/POSITIONS
- 401.4.1 SNIPER/OBSERVER TEAM
- 401.4.2 K9 SWAT TEAM MEMBER
- 401.4.3 TACTICAL EMERGENCY MEDICAL SERVICES (TEMS)

401.5 TRAINING

401.6 TACTICAL EQUIPMENT AND UNIFORMS

401.8 FIREARMS STANDARDS

401.9 PHYSICAL FITNESS STANDARDS

401.10 SWAT VEHICLES

401.11 CELL PHONES

401.12 HIGH RISK SEARCH WARRANTS
- 401.12.1 ROLES AND RESPONSIBILITIES
- 401.12.2 WARRANT BRIEFING
- 401.12.3 DEPLOYMENT
- 401.12.4 EXECUTION OF WARRANT
- 401.12.5 FOLLOW-UP CONSIDERATIONS

401.13 CALL OUT
- 401.13.1 DEFINITIONS
- 401.13.2 ACTIVATION
- 401.13.3 OPERATIONAL GUIDELINES
- 401.13.4 EMERGENCY DEPLOYMENT
- 401.13.5 RELIEF FOR EXTENDED OPERATIONS

401.14 OFF-DUTY CALL-OUT OF SWAT PERSONNEL

401.15 CHEMICAL AGENT GAS MASK

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Ride-Along

405.1 PURPOSE AND SCOPE

It is the policy of the Appleton Police Department to make every reasonable effort to honor ride-along requests from individuals having a legitimate interest in personally observing police patrol operations. The purpose of the program is to provide an educational experience to those desiring a career in law enforcement, to promote positive community relations, and to serve as a recruitment tool.

405.1.1 ELIGIBILITY

All individuals must complete and submit an application to be considered for a ride-along opportunity. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors will be considered when evaluating an applicant for their suitability for a ride-along:

- Being under 18 years of age, unless they are a member of the Police Cadets Program or otherwise approved by a supervisor
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

Citizens are limited to one ride along per year. Exceptions may be made for Police Cadets, officers from other agencies, immediate family of Appleton Police Department employees, police officer candidates, and City officials. Other exceptions must be authorized by a supervisor.

405.1.2 AVAILABILITY

The ride-along program is available on most days of the week. Ride-alongs are typically scheduled for four hours, however, may be modified at the discretion of the officer. Generally, officers will not be eligible to take a ride-along until they are out of the field training program for six months. This provision is subject to supervisory discretion based on the officer's performance and the desirability of providing the ride-along for an interested person.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the designated Police Communication Specialist after their application is processed, a background check is completed, and the request is approved. APD Form #119 must be completed by any person requesting a ride along, unless they are the following:

- Elected City official
- Appleton Police Department employee

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- Police officer from another agency
- Immediate family member of Appleton Police Department employee
- Police Cadets
- Victim Crisis Responders (VCR's)

Appleton Police Department volunteers must obtain permission from the Volunteer Coordinator prior to requesting a ride along. Upon obtaining permission, volunteers should complete an application and submit it for further processing. Volunteers are limited to one ride along per year, unless they are a VCR or a Chaplain.

The designated Police Communication Specialist will schedule a date and time and will confirm with the ride-along candidate. The designated PCS will also maintain a list of participants with the date and time of their scheduled ride along. A copy of this list is distributed to the front desk and to the supervisor's desk in the roll call room. The on-duty supervisor will assign an officer to take the ride along. The designated PCS will also maintain a file with all completed ride along applications and appropriate liability waiver forms.

405.2.1 PROGRAM REQUIREMENTS

The supervisor's approval of the ride-along will be documented by the supervisor signing the Liability Waiver (APD Form #92 – Cadet or #126 – all others). The supervisor's denial of a ride-along candidate will be put in writing and forwarded to the designated PCS to keep on file. All supervisors have the authority to deny a ride-along upon arrival of the applicant, based on the following circumstances:

- Behavior of the applicant raises concern for officer's and/or citizen's safety, i.e. intoxicated.
- Knowledge that the applicant poses a threat to confidential or sensitive information.
- Emergency call-outs or other significant event that would cause concern for an applicant's safety or interference with police operations.
- Applicant is inappropriately dressed based on the criteria outlined in the Ride-Along Expectations for Participants (Appendix A).

Ride-along requirements for Police Cadets are covered in the PoliceCadets policy.

Ride-along participants may not carry firearms unless they are legally authorized to do so and the Patrol Lieutenant has permitted such carry.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in comfortable, but professional clothing. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps are not permitted. A supervisor may refuse a ride-along to anyone not properly dressed.

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405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Wisconsin Department of Justice (WisDOJ) Criminal History System check prior to approval as a ride-along with a law enforcement officer, unless the exceptions for completing an application apply.

405.3 OFFICER'S RESPONSIBILITIES
The officer shall advise the dispatcher center that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. The officer shall ensure the passenger complies with Ride-Along Expectations for Participants (Appendix A).

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to a supervisor.

The Police Communication Specialist is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Police Communication Specialist with any comments that may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct them in the conditions that necessarily limit participation. These instructions should include the following:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

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(e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

(g) If an officer is called to a hospital/medical center, the officer shall pass the rider to another officer (due to patient privacy laws) if it is anticipated the call for service could last an extended amount of time. If the call is expected to be for something brief, the ride along should wait in a public waiting room.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Wisconsin law, the following represents the policy of this department. The duties of Police Communication Technicians (PCT's) and officers upon notification of and response to reports of hazardous materials spills will also be addressed in this policy.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous substance - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives (Wis. Stat. § 299.01(6)).

406.2 HAZARDOUS MATERIAL RESPONSE

Members shall respond to reports of hazardous materials spills for the purpose of protecting the community, mitigating the hazard, and securing the scene. Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before they are allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

Officers should be mindful of the fact that any incident could involve the presence of hazardous materials, regardless of the information provided at the time of dispatch. Officers should be particularly aware during the responses to such incidents as vehicle accidents involving commercial carriers, unexplained illnesses, and locations housing hazardous materials, both legally, such as a manufacturing plant, and illegally, such as a reported drug lab.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

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(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) If a vehicle or train is involved, officers shall locate the operator, conductor or engineer and determine the vehicle contents and/or examine shipping papers or the bill of lading. The vehicle operator may also be able to provide information as the immediate danger caused by a spill of the cargo.

(f) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(g) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(h) If persons at the scene appear to be injured or contaminated by a hazardous material, officers should attempt to segregate these individuals. Life sustaining measures shall be taken, as necessary but non-essential first aid measures should be limited to prevent further injury from, or the spread of, the contaminant.

(i) Officers should apprise EMS personnel at the scene and medical personnel at the hospital of any information related to the type of hazardous materials involved so they may take adequate protective measures for themselves and ensure appropriate treatment of the injured.

(j) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(k) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(l) Establish a decontamination area when needed.

(m) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.

(n) If available, activate reverse 9-1-1 calling to the affected area.

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406.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

406.4 BIOLOGICAL AND CHEMICAL THREATS

Biological and chemical threats should follow the response guidelines stated above.

406.4.1 POSSIBLE RELEASE OF A BIOLOGICAL OR CHEMICAL AGENCY

Physical symptoms could include:

- Many people suffering from watery eyes, twitching, choking, difficulty breathing or losing coordination
- Many sick or dead birds, fish or small animals
- Sprays, vapors, or droplets of oily film on surfaces. Low-lying clouds, dust, suspended, possibly colored, particles or fog unrelated to the weather

406.4.2 RESPONSE TO A BIOLOGICAL OR CHEMICAL AGENT

Take immediate action to protect yourself. Protection of breathing airways is the single most important thing a person can do in the event of a chemical or biological incident or attack.

Quickly try to define the impacted area or where the chemical or biological agent is coming from.

Do not attempt to enter the area without proper training or equipment. If the chemical is inside the building where you are, get out of the building without passing through the contaminated area, if possible. If outside, attempt to move upwind of the chemical plume. If in a car, shut off outside air intake vents and roll up windows if no gas has entered the vehicle.

406.5 HAZARDOUS MATERIALS TRAINING

Employees should receive periodic training regarding hazardous material awareness and how to handle a hazardous material incident.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Appleton Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Department members responding to a hostage situation or barricade situation may order a telecommunications utility to interrupt or reroute telecommunications service to or from the suspected person for the duration of the situation to prevent the person from communicating with anyone other than an authorized person.

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407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should they attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, drone support, CNT - crisis negotiator team).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Community Resource Unit Lieutenant.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should they attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, drone support, CNT, SWAT).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Community Resource Unit Lieutenant.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

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and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators (CNT), specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the Community Response Unit Lieutenant or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

407.6.1 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Appleton Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Appleton Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Lieutenant is immediately advised and informed of the details. This will enable the Patrol Lieutenant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

BOMB THREAT PROCEDURES

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 APPLETON POLICE DEPARTMENT FACILITY

If the bomb threat is against the Appleton Police Department facility, the Patrol Lieutenant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as they deem appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Appleton Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Lieutenant deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Appleton, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

  (a) No evacuation of personnel and no search for a device.

  (b) Search for a device without evacuation of personnel.

  (c) Evacuation of personnel without a search for a device.

  (d) Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Lieutenant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

EVACUATION GUIDELINES and BOMB SEARCH PROCEDURES

408.5.1 ASSISTANCE

The Patrol Lieutenant should be notified when police assistance is requested. The Patrol Lieutenant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Patrol Lieutenant determine that the Department will assist or control such an incident, they will determine:

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(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Patrol Lieutenant including:

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1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.6.1 SUPERVISOR RESPONSIBILITIES

If an explosive device, or suspected explosive device, is located, the supervisor in charge of the situation shall immediately perform the following:

(a) Establish a command post a safe distance from the device (at least 200 yards) and shielded from the effects of a potential explosion (at minimal frontal cover, and if possible overhead cover). If any evidence is present that would indicate the possibility of a biological, radiological or chemical threat combined with the explosive threat, the command post should be established 500 yards upwind of the threat location.

(b) Establish a safe perimeter beyond a 300 yard radius from the explosive device and coordinate the evacuation of all individuals within the perimeter; it should be a 500 yard radius if a biological, radiological or chemical threat is suspected. Additionally, evacuation of up to 2000 yards downwind of the incident should be considered for suspected WMD hazards.

1. Discretion may be used in establishing the perimeter distances depending upon building construction, type of device, etc.
2. Only authorized emergency personnel shall be permitted to enter the danger zone once the perimeter is set and evacuation complete.

(c) Advise the Communications Center by telephone and request that the fire department and emergency medical services be placed on stand by.

(d) Contact the authorized bomb technicians.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

No one should be permitted to enter the scene of the explosion except authorized emergency personnel.

All personnel on scene shall exercise caution and be mindful of possible structural damage and the possible presence of other undetonated explosives. If a detonation occurs, expect and prepare for a second explosive device. The intended targets of many secondary are first responders. First

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responders arriving at an actual explosion should be mindful of this when staging their emergency vehicles.

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department (AFD HAZMAT Team)
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Patrol Lieutenant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Wisconsin Emergency Management (WEM) for regional and/or county Hazardous Material Response Teams
- Other government agencies, as appropriate

408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Lieutenant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention (Wis. Stat. § 51.15).

409.2 POLICY

It is the policy of the Appleton Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

EMERGENCY DETENTION PROCEDURE

MENTAL HEALTH FLOW CHART

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers may:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation.

(b) If at any point the person changes their mind regarding voluntary evaluation, officers should proceed with the emergency detention, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, a supervisor should be notified.

409.5 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the officer should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

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409.6 PROBABLE CAUSE STATEMENT

The detention form shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

409.7 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should resolve the criminal matter by issuing a warning, referral or citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so. Complete the appropriate referral paperwork.

(b) Facilitate the individual's transfer to jail, if appropriate.

409.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.9 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with a mental disability, emergency detentions, and crisis intervention.

The department shall designate at least one officer to attend any in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Appleton Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Appleton Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that their claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES PROCEDURES

410.5.1 TRAFFIC OFFENSES

An officer who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

(a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.

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(b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

411.2 POLICY

The Appleton Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of great bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics (SWAT) and/or hostage negotiation team (CNT)response).

RAPID RESPONSE AND DEPLOYMENT PROCEDURE

411.5 PLANNING

The SWAT Commander and Threat Assessment Officer should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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411.6 TRAINING

The Professional Development Coordinator should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Appleton Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Appleton Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Wisconsin constitutions.

412.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police, who will delegate to the appropriate supervisor. The supervisor or his/her designee should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 TRAINING

The Professional Development Coordinator should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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U-Visa Certification / Immigrant Crime Victims

413.1 POLICY

It is the policy of the Department to assist immigrant crime victims with the completion of U-Visa certifications if they have been helpful, are being helpful, or are likely to be helpful in the detection, investigation, or prosecution of a suspect who committed a qualifying crime.

In addition to working closely with immigrant crime victims to determine eligibility for a U-Visa, investigating officers should connect victims with local victim advocates and agencies, capable of providing long-term support for victims of criminal activity. Advocates work with victims to develop long-term safety plans, provide counseling and assistance, and coordinate efforts to support the victim.

In addition to the Chief of Police, the Appleton Police Department has authorized the Lieutenant responsible for the supervision of the Victim Crisis Response Unit to certify U-Visa Certifications by completing the B - I-918 Supplemental Form. The Lieutenant may designate this responsibility to an officer trained in the U-Visa process.

In 2000, the United States Congress created the U-Visa in the Violence Against Women Act (VAWA) under the Victims of Trafficking and Violence Prevention Act of 2000, in order to provide relief to eligible immigrants who are victims of qualifying crimes. The intent of Congress was to strengthen law enforcement's ability to detect, investigate, and prosecute criminal offenders.

It is important to acknowledge and understand that a significant number of immigrants, victimized by crime, don't report crimes to law enforcement because of:

- Lack of trust
- Threat of physical harm to self and/or children
- Threat of deportation
- Threat of losing custody of children

When the fear of deportation and exploitation is reduced, more crime will be reported. By providing U-Visa certifications, law enforcement officials enhance their ability to fight crime and solve problems by helping immigrant victims feel safe when reporting violent crimes.

As such, this policy acts as a catalyst to reduce crime and presents the opportunity to build trust and work closely with non-citizen victims to prevent crime, save lives, and hold violent offenders accountable.

The certification of a U-Visa does not automatically confer legal status. If the U-Visa is reviewed and approved by the Department of Homeland Security (DHS), an applicant will receive legal status for up to four years. This status will permit the crime victim to live and work in the United States for the duration of the U-visa.

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413.2 DEFINITIONS

"Qualifying" Criminal Activity - Defined by statute to be "activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law." The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:

- Abduction
- Incest
- Rape
- Abusive Sexual Contact
- Involuntary Servitude
- Sexual Assault
- Blackmail
- Kidnapping
- Sexual Exploitation
- Domestic Violence
- Manslaughter
- Slave Trade
- Extortion
- Murder
- Torture
- False Imprisonment
- Obstruction of Justice
- Trafficking
- Felonious Assault
- Peonage
- Perjury
- Unlawful Criminal Restraint
- Female Genital Mutilation
- Witness tampering
- Being Held Hostage
- Prostitution
- Other Related Crimes

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"Similar" Criminal Activity - Refers to other criminal activity when the similarities are substantial, and the nature and elements of the criminal activity are comparable.

413.3 COMPLETING THE APPLICATION

Before completing a Certification Form I-918B, the certifying official shall verify eligibility.

(a) A victim of a criminal activity which took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or

(b) The spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or

(c) The parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.

U-VISA APPLICATION VICTIM FLOW CHART

413.3.1 ASSESSING THE HELPFULNESS OF THE U-VISA APPLICANT

Law enforcement officials may complete U-visa certifications once they are able to assess a victim's helpfulness. The entire investigation need not be completed prior to signing a certification. The certification signed by the designated officer confirms that the applicant has been helpful, is being helpful, or is likely to be helpful in the detection, investigation, or prosecution of the qualifying criminal activity (see Appendix C, U-Visa Investigative Tool, for helpfulness checklist).

If a U-Visa petitioner filed a police report and is willing to assist – or has assisted or cooperated – with detection, investigation, or prosecution of criminal activity, a certification may be provided even when the initial investigation efforts do not lead to further investigation and/or do not result in a prosecution or a conviction.

The officer may issue a certification at any time after detecting a qualifying criminal activity if the officer believes criminal activity occurred and the officer is able to identify the victim of the criminal activity. The investigation need not be complete prior to issuing a certification.

Congress intended to allow victims to obtain U-Visa certifications at the very early stages of crime detection.

To be eligible for lawful permanent residence, the victim has an ongoing responsibility to provide assistance.

Victims threatened by further acts of violence, may be able to prove to the DHS that their decision to not continue to provide assistance was not unreasonable and therefore remain eligible for a U-Visa.

413.3.2 OFFICER RESPONSIBILITY

When an officer encounters an immigrant who is a victim of a serious crime(s) as indicated above, he/she shall do the following:

(a) Conduct the preliminary investigation in accordance with the policy and provide the victim with information about the U-Visa.

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(b) Refer the investigation to the supervisor of the Victim Crisis Response Unit or his/her designee.

(c) Provide the victim with any supporting documentation such as reports and findings.

(d) Officers should explain the possibility of obtaining a U-Visa application to the victim but should be careful not to promise or mislead the victim.

1. Do NOT promise the issuance of a U-Visa.
2. Do NOT attempt to determine the victim's eligibility.
3. Do NOT attempt to determine the victim's substantial suffering or level of helpfulness in the investigation.

413.3.3 SUPERVISOR / CERTIFYING OFFICER RESPONSIBILITY

Prior to completing a Form I-918, Supplement B, the supervisor or officer shall have verified the following:

(a) The non-citizen was or is a victim of a criminal activity, as noted in the definitions section under "Qualifying Criminal Activity," that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or

(b) The spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or

(c) The parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.

The supervisor or officer shall establish if the victim has been, is being, or is likely to be helpful to the investigation.

When a certification is based on a prior investigation or a criminal case that has been closed or suspended, or when a statute of limitations has passed, the certification shall be completed after the above verification has been conducted.

No request for certification will be accepted unless it is made on the proper U.S. Citizenship and Immigration Services form (Form I-918, Supplement B) and has been completed by the agency or person applying for the certification.

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Emergency Utility Service

414.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

414.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center.

414.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Communications Center.

414.2 TRAFFIC SIGNAL MAINTENANCE

The City of Appleton maintains all traffic signals within the City, other than those maintained by the Wisconsin Department of Transportation (WisDOT).

414.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Field Training Officers

415.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Appleton Police Department.

415.2 POLICY

It is the policy of this department to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

415.3 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of coaching, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

415.3.1 SELECTION PROCESS

Candidates will be asked to submit a letter of interest. FTOs will be selected based on certain requirements, which include:

(a) Desire to be an FTO.

(b) Three years post probation as a sworn officer with this department of which six months of the twelve months prior to application were spent in uniform patrol in the Patrol Division. There is an option to reduce the three-year post probation period to a two-year probation period for an applicant displaying exceptional qualifications.

(c) Demonstrated ability as a positive role model.

(d) Participate and pass an internal oral interview selection process.

(e) Evaluation by supervisors and current FTOs.

(f) Possess a Wisconsin Law Enforcement Standards Board (LESB) basic certificate.

(g) APD performance evaluations with an overall rating of meeting expectations must be minimally maintained while assigned as a FTO. Officer assignment as a FTO may be temporarily paused for performance deficiencies needing improvement. Officers serve as FTOs at the discretion of the Chief of Police.

415.3.2 TRAINING

An officer selected as an FTO shall successfully complete an FTO training course held at the Appleton Police Department. From time-to-time, the Field Training Coordinator may mandate ongoing refresher training as needed.

415.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor will be a Patrol Lieutenant selected by the Chief of Police or designee.

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The responsibilities of the FTO Program supervisor include:

(a) Assign trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor the overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

(j) Maintain a list of probationary employees and complete a probationary period written report to be reviewed by command staff prior to the completion of the period.

415.5 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Appleton Police Department who, within the time frame established by the Law Enforcement Standards Board (LESB), has successfully completed an LESB-approved basic training course.

415.6 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but should consist of a minimum of 10 weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training.

415.6.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Appleton Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Appleton Police Department. While every attempt is made to continually update this manual for users, Lexipol policies and procedures will be updated before the Field Training Manual. Lexipol will always be the most accurate and current policy/procedure guide for all staff.

415.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

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415.7.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis (Daily Observations Reports, DOR's).

(b) FTOs shall review the Daily Observation Reports with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training. The DOR sign-off sheet will also be completed at each end-of-phase.

(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

(e) FTOs shall complete a radar log to verify the trainee has completed the mandatory field experience hours required for radar certification.

415.7.2 FIELD TRAINING SUPERVISOR

The Field Training supervisor will review and approve the Daily Observation Reports submitted by the FTO's.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training supervisor will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

415.8 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports

(b) End of phase evaluations

(c) Acknowledgement of Training form signed by trainee verifying the trainee feels sufficiently trained for solo patrol.

(d) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

(e) A radar training log showing the trainee's completion of the practical experience hours required for radar certification.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Appleton Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Respective County's Coroner's/Medical Examiner's office.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the City of Appleton shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of APD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Community Resource Unit Lieutenant or designee should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Community Resource Unit Lieutenant should coordinate with other involved entities before the release of information.

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Criminal Organizations

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Appleton Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The Appleton Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

417.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

417.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.CRIMINAL ORGANIZATIONS PROCEDURE

417.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

417.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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417.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

417.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

417.7 CRIMINAL STREET GANGS

The Special Investigations Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

417.8 TRAINING

The Special Investigations Unit Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

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(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Patrol Lieutenants

418.1 PURPOSE AND SCOPE

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

418.2 DESIGNATION AS ACTING PATROL LIEUTENANT

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

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Mobile Digital Computer Use

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

419.2 POLICY

Appleton Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

419.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

419.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Lieutenants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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419.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

419.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Lieutenant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

419.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

419.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Lieutenant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

419.6 EQUIPMENT CONSIDERATIONS

419.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the

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Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

419.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

419.7 CARE AND MAINTENANCE

Members using the MDC shall avoid external contaminants in the proximity of the laptop. Such contaminates include but are not limited to: liquids, food particles, excessive dirt or dust, etc. The MDC should not be exposed to inclement weather aside from temperature variations inside the car. The unit should not be transported in the trunk of a car. Periodic cleaning and preventative maintenance will be coordinated between the Appleton Police Department and Technology Services. Each member is responsible for thoroughly checking the MDC at the beginning of his or her shift. Any damage or malfunction shall be reported to Technology Services by calling the help desk or sending them an email.

Due to the number of laptop users, members should not personalize the internal settings or perform any type of maintenance on the units.

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Body Worn Cameras and Audio Recorders

420.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body worn cameras and portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held, or integrated into portable equipment (Wis. Stat. § 165.87).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Appleton Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

420.2 POLICY

The Appleton Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

420.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for (Wis. Stat. § 165.87):

(a) Establishing procedures for the security, storage, and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging, or marking events.

(e) Coordinating with the Professional Development Coordinator to provide training on this policy to:

1. Officers who are authorized to use portable audio/video recorders.
2. Members of the Department who use, maintain, store, or are responsible for the release of records and recordings.

(f) Periodically reviewing the Department's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.

(g) Ensuring this policy is available to the public on the Department's website.

420.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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420.5 MEMBER RESPONSIBILITIES

At the beginning of each shift, the officer should remove the body worn camera from the ETM and affix the BWC to their uniform, verify the camera is connected to the Axon View app, and periodically conduct a function check to ensure the following functions of the BWC are working properly:

(a) Video recording

(b) Audio recording

(c) Accurate time/date and other information on the display

(d) Pre shift function checks shall be classified as “non-evidentiary video.”

(e) Officers not assigned a BWC may check out a BWC assigned to their unit through the Lieutenant assigned to that unit.Officers checking out shared units should ensure the unit is assigned to them to accurately depict the owner of the audio/video files created.

(f) Throughout the officer’s shift or at the end of the officer’s shift, recorded video files shall be given a classification code and the officer should ensure the auto labeling process assigned the appropriate corresponding incident number.

(g) Activity not requiring an assigned incident number can be classified as “citizen contact, non-evidentiary video, or training demo” without an incident number being assigned.

(h) At the end of the officer’s shift, the officer shall return the BWC to the evidence.com dock (ETM) to upload the digitally encrypted data to the web-based storage facility and recharge the battery.Officers are responsible for ensuring the BWC is functioning with a GREEN battery status.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

420.6 ACTIVATION OF BODY WORN CAMERA AND AUDIO RECORDERS

Uniformed sworn personnel and CSOs assigned a BWC should record all investigative, enforcement, and call for service contacts. Officers working non-uniform assignments are encouraged to record events when practical. A BWC should be activated when an officer is engaged in emergency vehicle operation.

Circumstances when a BWC may not be activated, include, but are not limited to:

(a) Officer safety prohibits due to a sudden assault or unexpected altercation.

(b) Speaking with an informant or community member providing information who request deactivation of BWC prior to providing information.

(c) A health care provider is discussing medical issues with a patient.

(d) While in the hospital waiting for a person in custody to be medically cleared unless their behavior dictates the need for continued activation of the BWC.

(e) While debriefing with other officers regarding specific details or tactics on a call for service.

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(f) When developing a tactical plan or creating a safety plan for a victim.

(g) Personnel are prohibited from using a BWC for personal use.

(h) Any other incident where the officer can articulate the necessity and totality of the circumstances that led to not activating the BWC.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording (or to mute the audio recording) should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Audio redaction may take place before releasing recorded footage when one of the above conditions applies; or, when the protection of sensitive information is deemed necessary by staff fulfilling records requests.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

420.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing,other breaks from direct participation in the incident, or as outlined in the "Activation of Body Camera and Audio Recorders" policy, noted above.

420.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

420.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

420.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

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Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

420.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

(g) The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

420.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days (Wis. Stat. § 165.87).

420.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

420.9.2 EXCEPTIONS TO RETENTION REQUIREMENTS FOR BODY-WORN CAMERAS

Exceptions to the 120-day retention period for body-worn cameras are as follows (Wis. Stat. § 165.87):

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(a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:

1. Death or actual or alleged physical injury to any person in the recording
2. An encounter resulting in custodial arrest
3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal

(b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.

(c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.

420.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy and the "BWC Files of Significant Use of Force Incidents" policy, noted below, for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Wis. Stat. § 165.87(3)).

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420.11 BWC FILES OF SIGNIFICANT USE OF FORCE INCIDENTS

As soon as practicable after the incident is under control, a supervisor shall direct the collection and upload of all known BWC files from the following types of incidents:

(a) All incidents involving the use of deadly force against a person.

(b) All incidents involving the use of force by an officer that results in great bodily harm or death to a person.

(c) All BWC files from all officers involved in motor vehicle pursuits that result in great bodily harm or death to a person.

(d) Any other incident as directed by the Chief of Police or his/her designee.

An officer involved in the significant use of force will be allowed to view their BWC video, but only after providing an initial verbal statement to investigators. After providing an initial verbal statement, the officer will be allowed to view the BWC and complete a written report and/or provide their final statement. Exceptions to this restriction may include, for example, when viewing the files is immediately necessary to identify a potential suspect(s) and/or witnesses. If this is necessary, a person not directly involved in the incident should view the files.

No citizen witness to these incidents shall view any BWC files from the incident prior to being interviewed about the incident, without an authorization from the Chief of Police or his/her designee.

420.12 TRAINING

All officers using a body worn camera device shall receive training in the use of the equipment. The training will include techniques that will help to ensure an incident is accurately documented and properly stored.

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Public Recording of Law Enforcement Activity

421.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

421.2 POLICY

The Appleton Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

421.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

421.4 OFFICERS RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

421.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

421.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Bicycle Patrol Unit

422.1 PURPOSE AND SCOPE

The Appleton Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

422.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer’s mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the on-duty Patrol Lieutenant.

422.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a letter of interest to the Unit Coordinator thru their immediate supervisor.

The District Commander and Unit Coordinator will make the final selection with the approval of the Chief of Police or the Chief's designee.

422.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Assistant Chief or the authorized designee.

The Bicycle Patrol Unit supervisor’s responsibilities include:

(a) Organizing bicycle patrol training

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment

(c) Scheduling maintenance and repairs

(d) Evaluating the performance of bicycle officers

(e) Coordinating activities with the Operations Division

(f) Inspecting the bicycles not in active service to ensure they are in a serviceable condition. All bicycles shall be inspected annually at a minimum.

(g) Other activities as required to maintain the efficient operation of the unit

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422.4 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

The Unit Coordinator may require participants to complete refresher training if their participation in the program is so inconsistent or contains a significant gap(s) in time that the erosion of skill is likely. The coordinator may also inactivate or remove participants who are not active in the program on a reasonably frequent basis.

422.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

Helmets will be worn at all times when riding the bicycles. Snell and ANSI approved helmets will be purchased by the department and will be assigned to each bicycle officer. The helmets will be black in color and shall have the word "police" displayed on them.

All department issued equipment will be turned into the Unit Coordinator when an officer resigns from the Bicycle Unit.

Officers who participate in the bicycle program are required to purchase and maintain the equipment and uniform outlined in the Uniforms and Equipment procedure.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

422.6 CARE AND USE OF PATROL BICYCLES

(a) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors and front/rear lamps. Lamps and reflectors must meet legal requirements.

(b) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls.,

(c) Each bicycle gear bag shall include a first-aid kit, repair tool, parking citations and written warnings. These items are to remain with/on the bicycle at all times.

(d) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

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(e) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

(f) Each bicycle will be inspected in the spring to ensure it functions properly for the year ahead. Necessary maintenance will be completed by a qualified technician if it cannot be done by a department member.

(g) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(h) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the Bicycle Patrol Unit supervisor or in the event of an emergency.

(i) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(j) Bicycles shall be properly secured when not in the officer's immediate presence.

422.7 OFFICER RESPONSIBILITIES

Officers must operate the bicycle in compliance with Wisconsin law under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to an officer when operating an authorized emergency vehicle do not provide relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

Officers are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

(a) In response to an emergency call

(b) While engaged in rescue operations

(c) In the immediate pursuit of an actual or suspected violator of the law

422.8 UNIT DEPLOYMENT

Police bicycles will only be operated by officers trained to be bicycle patrol officers.

Each district commander shall evaluate the need for bicycle officers within the district and maintain, through the Bicycle Unit Coordinator, an appropriate number of bicycle officers to meet those needs.

District commanders shall deploy their bicycle officers according to the needs of the district. Basic responsibilities of bicycle patrol officers include, but are not limited to:

- Central business district – alleyways

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- Central business district – business owner contact
- Lawrence University campus
- Parking ramps
- Parks throughout the city
- Inaccessible areas – bicycle paths, cemeteries, etc.
- High density residential neighborhoods – apartment complexes
- New building construction sites
- Frequent gathering spots of juveniles

Officer activity while deployed on bicycles shall be monitored by on-duty supervisors through direct supervision.

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Foot Pursuits

423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

423.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

423.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity or an ordinance violation. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved. To keep other officers safe and aware, officers shall minimally make a radio broadcast when a person flees from the officer's presence.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Drone support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

423.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the Communications Center or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no

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immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

423.5 RESPONSIBILITIES IN FOOT PURSUITS

423.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

During a foot pursuit, officers should avoid following the exact path of the suspect while being observant for signs of ambush, such as shoulder dips, frequent glances to the rear, and changes in speed. Corners should be metered while maintaining a reactionary gap at them.

Officers should activate the body worn camera upon initiating a foot pursuit to document the pursuit, assist in tracking the pursuit progress, and locating the officer if necessary.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public. The path of the pursuit should be checked for evidence afterward.

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423.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that they are engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

423.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

423.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the Communications Center is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

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

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

(e) Notifying the Patrol Lieutenant as soon as practicable.

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

423.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

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(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Automated License Plate Readers (ALPR)

424.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Appleton Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

424.2 ADMINISTRATION OF ALPR DATA

An Operations Captain will oversee the ALPR Program and will designate an ALPR Systems Coordinator and others under his/her command to facilitate the day-to-day operation of the ALPR system(s). The Department contracts with Flock safety for the installation and maintenance of fixed ALPR equipment and associated ALPR data retention. Access to Flock Safety ALPR system data shall be assigned to department members based on rank/assignment and only after receiving proper training. Flock safety ALPR data gathered in the City of Appleton can be shared with other law enforcement agencies who contract with Flock Safety.

424.3 ALPR OPERATION

Access to the ALPR system is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) An ALPR search may be conducted to canvass license plates around any crime scene or incident requiring investigation. Partial license plates reported during Investigations should be entered into the ALPR search in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) Users shall verify an ALPR response (also referred to as a "Hot List Hit") via the Transaction Information for the Management of Enforcement (TIME) system or National Law Enforcement Telecommunications System (NLETS) prior to taking enforcement action. Absent additional information on the Hot List Hit response, A Hot List Hit should not itself be construed to provide probable cause for enforcement action.

(f) No ALPR operator may access TIME or NLETS data unless otherwise authorized to do so.

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(g) Equipment or software issues shall, as soon as practical, be reported to the ALPR Systems Coordinator and/or Flock Safety.

(h) The Department will maintain an "Appleton PD Hot List" on the Flock Safety ALPR database that will be shared with other agencies. The Hot List will include vehicles that are of interest for local investigations. Only supervisors, front desk staff, and the APD Crime Analystmay authorize a vehicle to be added to or removed from the Appleton PD Hot List. (Procedure 409.4 - Hot List Procedures)

424.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Appleton Police Department and because such data may contain confidential TIME information, it is not open to public review.

ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

All fixed ALPR data from Flock Safety cameras will be stored on their data servers in accordance with their data retention policy. Certain storage of data which is, or might reasonably become, evidence in a criminal or civil action shall be logged via the Axon Evidence.com system in accordance with procedure.

424.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Appleton Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.

(b) Access to Flock Safety's internet-based ALPR search software shall be accessible only through a login/password-protected system unique to each individual user. Users shall take necessary precautions to prevent access to their account by outside persons. Users shall not allow others to access the Flock Safety system via their unique login information, nor should users conduct searches under another user's account information. The Flock Safety software contains an audit trail that will document all searches conducted by users of the system. ALPR system audits should be conducted on a regular basis. All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time. Only supervisors and those granted administrative rights will have access to historical data.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific law enforcement investigation or department-related civil or administrative action. All ALPR searches shall have an associated incident number or unique search reason entered in the "Search Reason" or "Lookup Reason" field prior to conducting a search. Blanket searches, absent a bona fide reason, are strictly prohibited and could result in account suspension.

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(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes. Regular requests of this agency from outside agencies to access Flock Safety ALPR data should be directed to an Operations Captain or ALPR Systems Coordinator to facilitate that agency signing a Memorandum or Understanding with Flock Safety to gain their own access to the system.

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Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Appleton Police Department recognizes that members of the homeless community are often in need of special protection and services. The Appleton Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

425.1.1 POLICY

It is the policy of the Appleton Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

425.2 HOMELESS LIAISON RESPONSIBILITIES

The responsibilities of the homeless liaison are handled by the Community Resource Unit and include:

(a) Maintaining and making available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintaining a situational awareness of the areas within and near this jurisdiction which are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and cleanup operations.

(e) Developing training to assist officers in understanding current legal and social issues relating to the homeless.

(f) Make appropriate referrals to the Appleton Basic Needs Team/Coordinated Entry Program.

425.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that

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may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates they do not desire prosecution.

425.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure their personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted.

425.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

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When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person.

425.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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First Amendment Assemblies

426.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

426.2 POLICY

The Appleton Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

426.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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426.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

426.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

426.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

426.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

426.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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(t) Parameters for the use of body-worn cameras and other portable recording devices

FIRST AMENDMENT ASSEMBLIES INCIDENT COMMAND PROCEDURE

426.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

426.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

426.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Electronic Control Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of electronic control devices must conform to the Electronic Control Device Policy.

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

426.8 ARRESTS

The Appleton Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see Citation Releases Policy).

MASS ARREST PROCEDURE

426.9 MEDIA RELATIONS

The Community Resource Unit Coordinator should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

426.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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426.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

426.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

426.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

427.1 PURPOSE AND SCOPE

This policy provides members of the Appleton Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Wisconsin law.

427.2 POLICY

The Appleton Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

427.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

427.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

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If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

427.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

Also refer to the Domestics Procedure for additional information on conducting property exchanges.

427.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

427.6.1 CRIMINAL TRESPASS TO DWELLINGS

When an officer has probable cause to believe that the person has committed criminal trespass in a dwelling in violation of Wis. Stat. § 943.14 the officer should arrest and remove the violator (Wis. Stat. § 175.403). Considerations for determining whether probable cause exists include:

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(a) An identified owner or other person responsible for the dwelling identifies the person as a violator.

(b) An identified owner or other person responsible for the dwelling has supplied the department with an affidavit or other documents identifying those persons permitted to be on the property and restricting access to others.

(c) The person produces reasonable documentation (e.g., rental receipts, service, utility bills, postal or shipping deliveries) that identifies the person is lawfully in the dwelling.

(d) A person familiar with the area or property is able to identify those with a history of access to the dwelling.

(e) Statements made or observations that corroborate whether the person created or provoked a breach of the peace (e.g. a fear of bodily harm was created or the peace and sanctity of the home was otherwise disturbed or disrupted).

An officer shall complete a report to document the removal from a dwelling of any person who is not a tenant, whether or not an arrest is made.

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Suspicious Activity Reporting

428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

428.2 POLICY

The Appleton Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

428.3 RESPONSIBILITIES

The Special Investigations Unit Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Special Investigations Unit Lieutenant include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

428.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and/or share the information with the Threat Assessment Officer, who shall prepare a SAR, and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR or a Spillman report and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference.

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Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Mental Illness – A mental disease to the extent that a person requires managed care and treatment.Mental illness is a substantial disorder of thought, mood, perception, orientation and memory. This disorder, with varying degrees of severity, can grossly impair judgement, behavior, the capacity to recognize reality, or the ability to meet the ordinary demands of life. This may be caused by factors such as social, psychological, biochemical, genetic, infection, or head trauma. This disorder does not include alcoholism.

CIT Officer – Crisis Intervention Team Officer. A sworn police officer with the Appleton Police Department who has received specialized training in recognizing and understanding the signs and symptoms and varying degrees of mental illness and how to de-escalate a crisis.

Behavioral Health Officer – This officer will be the primary contact for mental health systems/ providers, governmental and private, wishing to address system or individual mental-health related concerns. The BHO will work directly with other Appleton Police staff to make services as efficient and effective as possible for the work with mental health consumers and their systems of support.

429.2 POLICY

The Appleton Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

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(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Diminished, inappropriate, or muted feelings or emotions

(j) Strange behaviors including inappropriate dress or unusual social behaviors

(k) Insomnia or hypersomnia

(l) Extremely animated or sluggish movements

(m) Significant weight loss, fatigue or loss of energy

(n) Inability to concentrate

(o) Admission of specific diagnosis or of using psychotropic medication

(p) Trash or other items of little worth that appear to have been collected or are inexplicably retained

(q) Large amount of debris in or around the residence

(r) Strange decorations or ritualistic displays present in the residence

(s) Lack of fear

(t) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Behavior Health Officer to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.4.1 CRISIS INTERVENTION TEAM (CIT)

Duties of Crisis Intervention Team Officer:

(a) As available, respond as the primary officer to calls for service in which behaviors and/or statements suggest that mental illness is likely a causal factor.

1. The role of the CIT officer as a primary responding officer should be limited to those situations in which mental illness is a likely causal factor and intervention other than an emergency detention may be appropriate.

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2. Calls for service in which an emergency detention is requested or appears likely shall be assigned to the next available officer. Regardless of whether that person has received CIT training. As needed, the assigned officer may consult a CIT officer for guidance.

(b) Serve as a resource for officers engaged in calls for service in which mental illness is suspected of being a causal factor. Such assistance may include:

1. Assessment of the situation
2. Assist with de-escalation
3. Provide information on community resources
4. Aid with alternative placements to hospitalization
5. Report writing

(c) In conjunction with the BHO, monitor persons having contact with the police department for those who may be at risk of mental health related crises in the future. This may be done by self-initiated activities or follow-up based on information received from other officers or employees.

An officer seeking CIT guidance or assistance on a call for service involving mental illness shall remain the assigned officer and be responsible for any investigation, follow-up, and necessary reports. Requests for assistance regarding mental health illness/issues that do not require the dispatch of an officer shall be forwarded to the BHO officer.

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Gather as much information as possible about the individual from family, friends, human services, and/or witnesses.

(c) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(d) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

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(e) Attempt to determine if weapons are present or available.

(f) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(g) Secure the scene, establish a perimeter, and clear the immediate area as necessary.

(h) Employ tactics to preserve the safety of all participants.

(i) Determine the nature of any crime.

(j) Request a supervisor, as warranted.

(k) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(l) If circumstances reasonably permit, consider and employ alternatives to force.

429.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner. Allow time for processing of information.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

Officers shall recognize that because of the complex nature of mental illness, traditional call resolutions such as arrest or hospitalization may not be appropriate. Officers may use an available

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CIT officer as a resource to aid in alternative call resolution. When it is determined that the person needs emergency detention due to mental illness, officers shall refer to the policy entitled, Emergency Detentions.

429.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested for a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

429.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

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(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

429.11 EVALUATION

The Patrol Captain may be designated to coordinate the crisis intervention strategy for this departmentand should ensure that a thorough review and analysis of the department response to these incidents is conducted annually.

429.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the Appleton Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

    (a) Signs and symptoms as observed by the member.

    (b) Changes in apparent condition.

    (c) Number of patients, sex, and age, if known.

    (d) Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.

    (e) Whether the person is showing signs or symptoms of excited delirium or other medically significant behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

MEDICAL AID AND RESPONSE PROCEDURE

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430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

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430.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Electronic Control Device policies.

430.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The on-duty supervisor shall coordinate the following with the Appleton Fire Department:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

430.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

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430.9.1 AED USER RESPONSIBILITY

Stationary AED's maintained within the facility should be regularly checked by the Support Services Lieutenant or designee to ensure they are properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Support Services Lieutenant or designee who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

430.9.2 AED TRAINING AND MAINTENANCE

The Professional Development Coordinator or designee should ensure appropriate training is provided to members authorized to use an AED (Wis. Stat. § 256.15(8)).

The Support Services Lieutenant or designee is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

430.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

A member may administer opioid overdose medication in accordance with protocol specified by the physician or ambulance service provider who prescribed the overdose medication for use by the member as long as the member has the knowledge and training necessary to safely administer the opioid overdose medication (Wis. Stat. § 256.40).

NASAL NALOXONE (NARCAN) UTILIZATION PROCEDURE

430.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Support Services Lieutenant.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

430.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

430.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Professional Development Coordinator should ensure training is provided to members authorized to administer opioid overdose medication.

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The Appleton Police Department shall enter into an agreement to affiliate with an ambulance service provider, or a physician, and will undergo bi-annual training, usually in connection with CPR training and under the guidance of the TEMS program, necessary to safely and properly administer Narcan. Probationary officers will receive training as part of their orientation or before the completion of field training.

a.Training criteria will be set and trainers will be trained under the direction of a licensed medical physician, or

b.Training criteria will be set and trainers will be trained under the direction of a licensed ambulance service provider.

430.11 FIRST AID TRAINING

Subject to available resources, the Professional Development Coordinator should ensure officers receive periodic first aid training appropriate for their position.

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Crime Prevention

431.1 PURPOSE

The purpose of this policy is to establish and assign responsibility for the Appleton Police Department community crime prevention effort.

431.2 POLICY

The mission of the Appleton Police Department includes crime prevention among its areas of top priority. The department is committed to the development and fostering of community-based crime prevention efforts designed to meet the unique needs of the City, in the most efficient and effective manner possible.

431.3 CRIME PREVENTION PLANNING AND COORDINATION

Crime prevention planning and coordination are the responsibility of all district commanders and unit supervisors.

Commanders and supervisors will work collaboratively toward efforts that prevent crime. The following are ongoing crime prevention efforts :

(a) Team/Unit Meetings:

1. Team/unit meetings will be conducted by each district commander on a pre-scheduled, periodic basis.
2. The meetings will focus on exchanging information relevant to the successful operation of the team/unit.
3. The dates for the meetings shall be announced to all members of the department, enabling commanders from other units to select representatives to attend the meetings for the purpose of information exchange.
4. Between scheduled meetings, district/unit supervisors will coordinate organizational information exchange.

(b) Command Staff meetings:

1. Command Staff meetings will generally be conducted on a monthly basis and will be led by the Crime Analyst's data and information.
2. The meetings will be attended by the Assistant Chief, Captains, Unit Commanders, Administrative Services Manager, and other invited units/staff as needed.
3. A representative from each district or unit will present information on recent crimes related to their area of responsibility. Information exchanged at the meetings will be used to potentially link crimes and solve problems.
4. The Crime Analyst will prepare a bi-weekly written bulletin which is available to all employees and is disseminated to regional police agencies.

(c) Community Crime Prevention Groups

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(d) Investigative task forces

(e) Crime prevention education

1. Media and social media
2. Neighborhood Watch (NW)
3. SRO (School Resource Officer) Program

431.4 DISTRICT COMMANDERS

Each District Commander is responsible for instituting, managing, and directing crime prevention activities within their district.

District Commanders should establish crime prevention priorities based upon crime analysis reports and incident data.

Crime prevention objectives shall be included as part of unit goals and objectives.

Commanders should lead officers to promote positive public relations, foster community awareness, encourage self-help, and in general, strive to improve community quality of life by applying crime prevention techniques and problem-solving activities in the day-to-day performance of their duties.

431.5 COMMUNITY RESOURCE UNIT

The Community Resource Unit (CRU) is comprised of the Community Liaison Officer, the Victim Services Officer, the Behavioral Health Officer, the Threat Assessment Officer, the Police Community Engagement Specialist, and is supervised by the Community Resource Unit Lieutenant.

Community Resource Unit Lieutenant:

The Community Resource Unit Lieutenant will oversee the work being completed by the CLO, VSO, and BHO. In addition, this supervisor will forge positive relationships with media outlets and community partners. They will also oversee the sharing of information with the public to increase crime prevention efforts.

Community Liaison Officer:

The Community Liaison Officer (CLO) may provide CPTED (Crime Prevention through Environmental Design) surveys to assist residents and organizations in crime prevention efforts in and around their structures.

The CLO will work with the Housing Authority and Landlords Association to educate landlords on their responsibilities and the abatement process.

The CLO will collaborate with other agencies and organizations, i.e., NAMI, to help solve community related problems.

Victim Services Officer:

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The Victim Services Officer will work as a nexus between victims of crime and the criminal justice system, with victim needs being the primary focus.

Behavioral Health Officer:

The Behavioral Health Officer will work with community members and organizations to identify citizens who need services for mental health or drug addiction.

The BHO will coordinate our department's services to provide a better response to those individuals with mental health or drug addiction issues, reduce our calls for service, and improve the safety of these individuals and our officers.

Threat Assessment Officer:

The Threat Assessment Officer is responsible for specialized training in the areas of threat awareness and preparedness. This position also investigates and responds to threatening behaviors brought to the department's attention by individuals, organizations, and employers.

Police Community Engagement Specialist:

The Police Community Engagement Specialist performs public information and community outreach functions to enhance the delivery of police services. This employee will also be responsible for the department's Neighborhood Watch program and the relationship maintenance/ information sharing with this program.

431.6 INVESTIGATIVE SERVICES UNIT

Investigative Services (ISU):

ISU officers maintain intelligence files to track and record crime patterns that may be developing, as well as suspicious activity.

ISU officers analyze intelligence so they may anticipate and alert, potential victims and other law enforcement officers, of potential future criminal activity.

School Resource Officers (SRO):

Work with school officials and teachers to develop early intervention measures that will help deter children who are at risk of becoming delinquent and committing future crimes.

(a) Mentor, monitor, and build rapport with at-risk juveniles.

(b) Serve as a liaison between families, schools, social services and other service providers.

Special Investigations Officers (SIU):

Coordinate undercover operations to address problems related to gangs, drugs, prostitution, etc.

Partner with other agencies e.g., ATF, U.S. Attorney's Office, FBI, LWAM, Fox Valley Gang Task Force, U.S. Marshall's Office to maximize efforts to reduce community drug and gang related problems.

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Community Resource Unit (CRU)

See 341.5

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Incident Command System

432.1 PURPOSE AND SCOPE

The purpose of this policy is to create a system of command, control, and coordination that enables members of the organization to act quickly to stabilize and manage emergency situations. Furthermore, the policy will also enable seamless integration with other responding agencies in the event the incident expands beyond the scope of the department.

The Appleton Police Department will evaluate the magnitude of every emergency situation and will implement the Incident Command System outlined in this document whenever the gravity or complexity of the situation dictates the need for a clearly defined form of control. In situations that expand beyond the scope and capabilities of the department, the Incident Command System structure established by department personnel at the outset of an event shall integrate with the Incident Command System outlined in the City of Appleton, Emergency Operations Plan. This policy is based on the principles established in the National Incident Management System.

432.2 INCIDENT EVALUATION

Every incident requiring a police response shall be evaluated to determine the proper application of the Incident Command System.

The incident evaluation shall take into consideration the following factors:

(a) Nature of incident

(b) Location of the incident (building type, city, street, state/federal highway, geographic locations, etc.)

(c) Hazards present

(d) Resources (on-scene, en-route, immediately available, delayed, unavailable, necessary for resolution, etc.)

(e) Most effective use and placement of initial units

(f) Staging area locations and safe routes of response

Upon evaluation, incidents shall be categorized in one of three fashions:

Level I Incident - A police incident of a “routine” nature that generally can be resolved with a limited number of personnel and resources. A Level I incident can involve an emergency, but generally one that rapidly deescalates after the precipitating event.

Level II Incident - A police incident of an “exceptional” nature requiring the coordination of multiple police personnel and resources and a possible interface with a limited number of other agencies, typically for a limited purpose and duration. Examples of Level II incidents are SWAT calls, major crime scenes, major motor vehicle crashes, etc.

Level III Incident - An incident of significant community proportions likely to result in an emergency response by multiple agencies and personnel and requiring significant coordination of disparate resources, over an extended period of time, for effective resolution. Examples of Level III incidents

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are natural disasters; major search, rescue and recovery incidents; hazardous material accidents; plane crashes or train derailments; etc.

After an incident has been evaluated and categorized, the incident commander shall regularly reevaluate the situation until such time as it is resolved and shall ensure that any changes in response necessitated by the reevaluation are accomplished.

ICS LEVEL OF RESPONSE PROCEDURE

432.3 ROLE OF THE INCIDENT COMMANDER

The role of the incident commander is to develop and implement an incident action plan, or implement any preexisting written plan; e.g., hostage/barricade situations. The plan should minimally address the following:

(a) The safety and welfare of incident personnel

(b) The removal of endangered civilian personnel

(c) The appropriate strategies, tactics and procedures necessary for resolution

Manage all on-scene resources, either directly or through functional commanders. All duties not assigned through general or command assignments, i.e., public information, safety, etc., are carried out by the incident commander, until delegated.

Request additional resources as needed.

Reassess the effectiveness of the incident action plan and revise it as necessary.

Maintain a record of the status and activities of personnel and units involved in the incident.

Coordinate the transfer of command as necessary.

Control the communication process.

Ensure that support needs for incident personnel and affected civilians are met, e.g., shelter, food, relief, etc.

Return units to service and terminate command as appropriate.

Ensure that all necessary reports are prepared, including a written after-action report of the incident.

432.4 COMMAND POST

After Level II status has been ascertained, the incident commander shall establish a command post as soon as practicable. It is understood that until the incident commander can be freed from the need to perform initial response actions, the location of the command post may be fluid.

The command post should be established in an area not susceptible to conditions or risks associated with the event.

All incident communications to or from the communications center must be routed through the command post.

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All personnel dispatched to an incident who are not assigned to a specific task must report to the command post for assignment upon arrival, unless an alternate staging area has been designated.

432.5 STAGING AREA

A staging area separate from the command post will be established when the number of responding units could prove disruptive to command post operations or staging nearer to the incident location provides a tactical advantage.

When a staging area has been designated, all personnel dispatched to the incident will report to the staging area for directions and assignment.

When a staging area is designated, the incident commander should identify an individual to manage the activities of the staging area, to include briefing and assigning responding personnel. The staging area manager shall provide the incident commander with periodic status reports.

432.6 TRAINING

All sworn personnel and Community Service Officers will receive training on the Incident Command System.

The Emergency Preparedness Coordinator and all other affected agency personnel shall receive training on the emergency operations plan.

An Incident Command System training exercise will be completed on a regular basis.

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Crisis Negotiation Team (CNT)

433.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for the operation of the Crisis Negotiations Team (CNT). The CNT's primary mission is to peacefully resolve critical incidents involving barricaded subjects, hostage situations, or individuals in crisis while attempting to minimize harm to all involved. This policy applies to all members of the police department, including CNT personnel, command staff, and first responders during critical incidents where CNT deployment is required.

While the CNT frequently works in collaboration with the department's Special Weapons and Tactics (SWAT) team, SWAT is governed by a separate policy.

433.2 MISSION AND OBJECTIVES

The primary objectives of the CNT are to safeguard lives through the use of skilled negotiation techniques, de-escalation of volatile situations to prevent injury/death, and to support operational units during critical incidents.

433.3 TEAM COMPOSITION

CNT Commander - responsible for oversight and coordination of the CNT. This includes deployment, training, first-line participation, and other duties as necessary.

CNT Team Leader - responsible for leading crisis negotiations, training, and communication with the CNT Commander. Other duties may include participation in negotiations.

Negotiator - trained personnel skilled in communication, rapport-building, and crisis intervention. These are sworn law enforcement officer positions.

Mental Health Professional – This is a non-sworn position which supports the team.

433.4 SELECTION OF PERSONNEL

Interested, non-probationary, personnel shall submit a request to their appropriate supervisor. A copy will be forwarded to the CNT Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CNT Commander and SWAT Commander and up to two more individuals. Interested personnel shall be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process
3. Effective communication skills to ensure success as a negotiator
4. Special skills, training or appropriate education as it pertains to the assignment
5. Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

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The oral board shall submit a list of successful applicants to the Assistant Chief of Police for final selection and approval by the Chief of Police.

433.5 TRAINING AND QUALIFICATIONS

CNT members must complete initial crisis negotiation training approved by the department before deployment into an actual crisis. Untrained officers may be used in a support or training capacity. Members shall participate in ongoing training, including simulated exercises, at least quarterly to maintain readiness. Additionally, team members are required to demonstrate proficiency in communication, psychological assessment, and tactical awareness to remain qualified.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

433.6 ACTIVATION AND DEPLOYMENT

The activation of the CNT shall be authorized by an incident commander (SWAT/CNT) or a designated supervisor. Situations warranting CNT involvement include hostage situations, barricaded subjects refusing to surrender, suicidal individuals or persons in mental health crises, and other circumstances deemed appropriate by an on-duty supervisor or the CNT Commander. These incidents can be patrol-based and/or Special Weapons and Tactics (SWAT) deployments.

433.7 MENTAL HEALTH CONSIDERATIONS

The CNT may have a mental health professional assigned to the team with the approval of the SWAT and CNT Commanders. This individual should attend CNT training and may be used in a support role during a crisis incident. The mental health professional shall not be directly involved in negotiations with the person in crisis.

The CNT is authorized to have a sworn Behavioral Health Officer (BHO) assigned to the team. This assignment shall be based on current needs and requires the approval of the CNT and SWAT Commander. The BHO will receive training consistent with the other members of the CNT.

433.8 USE OF TECHNOLOGY

To enhance negotiation efforts, approved communication equipment shall be utilized. Surveillance tools may also be employed to gather real-time intelligence, provided their use adheres to legal and ethical standards.

433.9 DOCUMENTATION AND DEBRIEFING

Detailed documentation of all critical incidents involving CNT is mandatory, including the strategies employed, subject statements, and outcomes. Following each incident, a post-incident debriefing will be conducted to evaluate team performance, identify lessons learned, and provide support for team well-being.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Appleton Police Department. Information provided by the Wisconsin Department of Transportation (WisDOT) is a valuable resource for traffic crash occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones, requests from Alderperson(s), or special events. Results from the use of a speed trailer showing a high number of speed violations may also be used.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator’s socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are inappropriate factors to consider when making violation enforcement decisions. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

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500.3.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers shall provide the following information at a minimum (Wis. Stat. § 345.27):

(a) Explanation of the violation or charge (Wis. Stat. § 345.27):

1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
2. That demerit points may be assessed against the person's driving record for the offense
3. The number of demerit points that is cause for revocation or suspension

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses (Wis. Stat. § 345.22). These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular homicide

(b) Operating a vehicle while under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

(e) Inability to positively identify the violator, the violator has no permanent address or ties to the community, or the violator is an out-of-state resident

500.4 SUSPENDED OR REVOKED DRIVER LICENSE

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer should issue a traffic citation pursuant to Wis. Stat. § 343.44.

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500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the designated storage area of each patrol and investigation unit. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Support Services Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 TRAFFIC PROCEDURES

The Patrol Commanders are responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws.

TRAFFIC FUNCTION AND RESPONSIBILITY PROCEDURE

500.6.1 GENERAL AND SELECTIVE TRAFFIC ENFORCEMENT

The responsibility of providing general traffic law enforcement and developing selective traffic enforcement programs in the police districts shall be with each of the district commanders.

Officers are encouraged to initiate traffic law enforcement patrol practices involving are or line patrol techniques and stationary observation based on their personal experiences and

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observations of traffic conditions within their districts. These highly visible patrol techniques are the greatest single deterrent to traffic violations for the average motorist.

District commanders shall deploy district personnel for general patrol duties while taking into consideration the needs of the district as they relate to the safe movement of vehicles and pedestrians in the district.

500.6.2 VEHICLE ESCORTS

Escorts of emergency vehicles (AFD, Gold Cross) by emergency vehicles of this department are prohibited. Officers may stop traffic at intersections or otherwise control the movement of traffic to assist the passage of the emergency vehicle.

Escorting civilian vehicles under emergency circumstances is prohibited. Officers who encounter situations where medical transport is needed shall immediately render first aid, as appropriate, and shall summon medical assistance and transport, if needed. If the operator of a civilian vehicle refuses to wait for medical transport and prompt medical assistance is needed, the officer may lead the civilian vehicle to the nearest medical facility but shall not use emergency equipment, shall obey all traffic regulations, and shall take the most direct route.

Officers shall not convey injured or ill persons to a medical facility for treatment in department vehicles. While officers cannot force persons to obtain medical assistance or accept medical transport, except in limited circumstances, officers shall encourage persons to accept these services and shall provide all necessary assistance until the emergency medical services arrive at the scene.

Request for routine, non-emergency escorts of vehicles, dignitaries, oversized vehicles, parades, special events, hazardous or unusual cargo shall be directed to the Operations Coordinator for approval. If the request is approved, the Operations Coordinator shall make arrangements with the commander of the district involved for officers or CSO’s to provide the escort service.

ESCORT SERVICES PROCEDURE

500.7 VEHICLE LOCKOUT SERVICES

The Appleton Police Department will refer all non-emergency requests to unlock motor vehicles to a locksmith, wrecker service, or vehicle dealership. No specific recommendations or endorsements of a specific service will be made.

The department will continue to respond to vehicle lockouts that present a danger to the safety of the occupant of the vehicle or to the person locked out. This may also include a danger to an animal locked in a vehicle, such as due to extreme heat.

Personnel assigned to assist a motorist with a vehicle lockout shall identify this individual and conduct a registration check to ensure the person is entitled access to the vehicle.

Prior to attempting to open the vehicle, the officer or CSO shall inform the person requesting this service that there is a potential the vehicle may be damaged by their efforts. The officer or CSO

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shall complete, and the person requesting this service shall read and sign, a “Vehicle Damage Waiver,” (APD Form #83) prior to any attempt to unlock the vehicle by department personnel.

500.8 CORRECTING HAZARDOUS HIGHWAY CONDITIONS

Officers encountering hazardous situations on or near the highway (e.g. debris in the roadway; defects in the roadway; missing defective or inoperative traffic control signals or signs; vision obstructions; low hanging wires on or near the roadway; abandoned or illegally parked vehicles or other highway hazards) shall immediately take action to correct the hazard and/or protect motorists or pedestrians from the hazard.

Officers shall attempt to correct or control the hazardous situation by removing debris or placing temporary traffic control signs or barricades.

Officers shall notify the Communications Center of the hazard and actions taken. If additional assistance is needed by the officer, the tele-communicator will notify the appropriate civil or governmental agency to correct the hazard.

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Traffic Crash Response and Reporting

501.1 PURPOSE AND SCOPE

The policy provides guidelines for responding to and investigating traffic crashes.

501.2 POLICY

It is the policy of the Appleton Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and throughly enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request (Wis. Stat. § 346.70(4)).

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A City official or employee involved.
    4. An on- or off-duty member of this department involved.

(b) Is within another jurisdiction and there is:
    1. An on-duty member of this department involved.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

(f) Clearance and cleanup of the roadway.

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501.4 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor. The supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The supervisor will ensure notification is made to the department command staff in accordance with the Major Incident Notification Policy. For violations of s. 346.67 (Hit and Run) or 346.70 (Failure to Report), the agency shall disseminate the report through the integrated crime alert network (WCAN) if all of the following conditions are met:

a. A person has been killed due to the accident that is related to the violation.
b. The law enforcement agency has additional information that could help identify the person who has allegedly committed the violation or the vehicle involved in the violation.
c. An alert could help avert further harm or aid in apprehending the person who allegedly committed the violation.

EXPERT OR TECHNICAL CRASH INVESTIGATION ASSISTANCE PROCEDURE

CRASH RECONSTRUCTION PROCEDURE

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s immediate family or coordinate such notification with the respective county's coroner's/medical examiner's office, department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim’s immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A crash report shall be taken when (Wis. Stat. § 346.70(4)(b)):

(a) The crash originated or terminated on a traffic way, or public or private premises as outlined within Wis. Stat. § 346.66, and involved at least one motor vehicle in transport and resulted in any of the following (Wis. Stat. § 346.70):

1. Injury or fatality of a person
2. Total damage to one person's property that is reasonably believed to be $1,000 or more
3. Damage to government-owned property that is reasonably believed to be $200 or more, except to government-owned vehicles, which is $1,000 or more

Motor vehicle crashes that do not meet the above criteria are considered non-reportable and may be documented in a general information report in lieu of the WisDOT report form. The information contained in the general information report shall be sufficient to complete the WisDOT report form should it later be determined that the crash involved injuries or property damage that meet the state criteria of a reportable crash.

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501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic crash occurs on private property not held open to the public unless it involves an injury or fatality, a hit-and-run violation, or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles. PRIVATE PROPERTY CRASHES PROCEDURE

501.5.2 CITY VEHICLE INVOLVED

A supervisor shall investigate every crash occurring within the City of Appleton involving a department vehicle, any vehicle driven by a department employee while engaged in City business, or any vehicle driven by an officer while on or off-duty. A traffic crash or Standards report, depending on damage amounts, shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report, whether a city report in Standards and/or a DT4000, shall be completed and forwarded to the Assistant Chief. The traffic investigator or supervisor at the scene should take photographs of the scene and the vehicle damage.

CRASHES INVOLVING DEPARTMENT VEHICLES OR PERSONNEL PROCEDURE

CRASHES INVOLVING CITY OF APPLETON EMPLOYEES, VEHICLES, OR PROPERTY PROCEDURE

501.5.3 CRASHES REPORTED IN THE LOBBY

Absent exigent circumstances, officers will not be dispatched to the department to investigate crashes reported in the lobby. Crashes reported in the lobby involving serious injury or very serious damage shall be referred to an on-duty supervisor for determination of whether an officer should be assigned to the crash.

For "lobby crashes" in which any/all involved owners/operators are present, a Police Communications Technician (PCT) should refer any/all involved vehicle owners/operators to the Wisconsin Department of Transportation website for completion of a "driver report of crash" form for insurance purposes.

If a person reports a crash in the lobby and informs the PCT that the other operator refuses to comply with statutory requirements, an officer shall be assigned to assist the reporting person. This assistance may include identification of the other owner/ operator, notifying the other operator of the need to comply with all applicable statutory requirements, and investigation of possible violations of those requirements, to include hit and run.

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501.5.4 HIT AND RUN CRASHES

Officers shall diligently investigate hit and run crashes and shall keep the victim of the crash informed of the case's progress, whether solved or declared inactive due to lack of further investigative leads.

Upon obtaining suspect vehicle information, officers shall complete shift alerts, conduct “attempt to locate” broadcasts for other members of the department, facilitate teletype communications to other agencies, and consider asking the Support Services Specialist to post social media messages, when appropriate.

Officers investigating hit and run traffic crashes shall complete a report for all criminal cases. Non-criminal hit and run crashes shall be documented by a citation, DT4000, or report depending on the complexity and facts present. A DT4000 shall be completed when the crash meets any of the reportable crash criteria established in this policy.

501.5.5 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

501.5.6 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS

When a member of this department investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a through 22 USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the department member shall do the following (Wis. Stat. § 346.70(4)(i)):

(a) As soon as practicable, contact the DOS Office of Foreign Missions (OFM) Diplomatic Security Command Center, Diplomatic Motor Vehicle Office to verify the status and immunity, if any, of the driver claiming diplomatic immunity.

(b) Within 10 days after the date of the crash, forward a copy of the crash report to the DOS OFM Diplomatic Motor Vehicle Office.

501.6 INVESTIGATION

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

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501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Lieutenant should request that the Wisconsin State Patrol investigate and complete a traffic crash investigation in conjunction with ISU detectives when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Appleton Police Department.

EXPERT OR TECHNICAL CRASH INVESTIGATION ASSISTANCE PROCEDURE

CRASH RECONSTRUCTION PROCEDURE

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

CRASHES INVOLVING DEPARTMENT VEHICLES OR PERSONNEL PROCEDURE

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should issue a municipal citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

As appropriate, the investigating officer should take enforcement action at the scene of a crash involving a City employee engaged in City business and/or a City-owned vehicle **against non-City employed operators only**. The city attorney's office will review the report prior to municipal charges being issued for city employees. More serious violations, mentioned above, should be enforced on scene for all drivers when warranted.

501.8 REPORTS

Department members shall utilize the written or automated report forms approved by WisDOT as required for the reporting of traffic crashes. All such reports shall be forwarded to the Patrol Lieutenant for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

If the modification is to add a fatality, a Wisconsin Motor Vehicle Fatal Accident Supplement Form shall be completed and a Transaction Information for the Management of Enforcement (TIME) administrative message sent to Motor Vehicle Fatality Reporting. A fatality is any injury received in a traffic crash that results in death within 30 days of the crash.

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501.8.2 RECORDS MANAGER RESPONSIBILITIES

The responsibilities of the Records Manager include but are not limited to:

(a) Ensuring the monthly and quarterly reports on traffic crash information and statistics are available to the department or other persons as required.

(b) Forwarding the original written or automated format WisDOT report form for all reportable accidents to WisDOT within 10 days of the date of the crash (Wis. Stat. § 346.70(4)(a)).

(c) Forwarding a copy of the WisDOT report form to the governing body where the crash occurred (Wis. Stat. § 346.70(4)(h)).

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Appleton Police Department.

The Department will tow abandoned, disabled and damaged vehicles; vehicles seized for evidentiary purposed and impounded vehicles; vehicles recovered as stolen; vehicles that need to be removed in order to correct a traffic hazard or eliminate a public nuisance; and vehicles stopped without a properly licensed driver under circumstances detailed in this policy.

502.2 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 TOWING INVESTIGATIONS

When vehicles have been towed to the Department impound lot, the officer overseeing the tow should ensure that all appropriate individuals/units have been informed. The following units should be informed that a vehicle has been towed to the impound lot: Operations Coordination Specialist, Finance and the Evidence Unit.

502.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. The towing company must be able to respond in a reasonable amount of time, or the officer can request a company from the rotating list. When there is no preferred company requested, the dispatch center will call the next up wrecker from the rotating list.

If a vehicle involved in a crash is going to be transported to the impound lot, the officer shall request the dispatcher to call the contracted impound wrecker. The officer will then conduct an inventory search and note valuable property visible in the vehicle in the incident report.

502.2.3 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance

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of an investigation or prosecution of the case, or when public safety would reasonably suggest that the vehicle should be towed (e.g., traffic hazard).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- A traffic-related warrant arrest.
- The driver of the vehicle is not subject to custodial arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be towed and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next wrecker up on the rotating list.

502.2.6 RESPONSIBILITY FOR NOTIFICATION

Within 24 hours of the impound of a vehicle ordered to be removed by a member of this department, it shall be the responsibility of the officer to notify the towing service of the name and last-known address of the vehicle’s registered owner and lien holders of record, if requested.

502.3 TOWING SERVICES

The City of Appleton annually selects one or more companies to act as the contracted impound wrecker and awards contracts to those firms. Those companies will be used in the following situations:

(a) When a vehicle is being held as evidence in connection with an investigation.

(b) When it is otherwise necessary to store a motor vehicle at the impound lot or at the Department.

VEHICLE TOWING AND RELEASE PROCEDURE

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502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle inventory form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner or placing the locked container into safekeeping.

502.5 PRESERVATION OF EVIDENCE

An officer removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

The officer should also enter the vehicle as an item of evidence in Beast. The Evidence Unit will check that an entry has been made after receiving notification from the officer.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

When a vehicle has been authorized for release from evidence, documentation will be made in Beast that the vehicle has been released and the person who retrieved the vehicle. The individual or company retrieving the vehicle may be responsible to pay the full tow bill and the one- time $30 impound fee. This is on a case by case basis. The Evidence Unit will facilitate the return of the vehicle as well as determine the payment amount for the release of that vehicle. All fees must be paid in full prior to the release of the vehicle.

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502.7 TOWING VEHICLES SUBSEQUENT TO OWS/OAR/OWL VIOLATIONS

All OWS violations are traffic forfeitures and the offender need only be issued a traffic citation and be released.It is recognized officers play a role in protecting the public from the risk presented by drivers whose operating privilege has been revoked or suspended due to the continued violation of traffic laws and/or the refusal to fulfill penalty obligations outlined by the Wisconsin Department of Transportation and our court system. Officers shall not permit continued operation of the motor vehicle by the offender. As such, officers may have the vehicle towed when there is a public safety concern over the vehicle remaining on the scene. Public safety concerns include:

(a) Vehicle is blocking traffic;

(b) Vehicle is violating parking restrictions;

(c) Vehicle is disabled or significantly damaged;

(d) Vehicle is likely to be abandoned for a significant period of time because of all of the following: the driver of the vehicle is under custodial arrest, the driver is the registered owner or the registered owner cannot be contacted, none of the alternatives to having the vehicle towed described below as "mitigating reasons" are viable.

(e) The operator has a prior OWS, OAR, or OWL history, such that it is apparent that the operator will blatantly disregard traffic laws and continued unlawful operation of the vehicle is likely. An officer should consider 5 prior OWS, OAR, or OWL convictions within the previous 2 years or 3 prior OWS, OAR, or OWL convictions within the previous 12 months without reinstating driving privileges to be evidence that leaving the vehicle on scene with the operator is a public safety concern. An officer should also consider any knowledge of recent traffic stops for OWS, OAR, or OWL for which there is no conviction on record to be evidence that leaving the vehicle on scene with the operator is a public safety concern.

When there are public safety concerns present, the officer may also consider the following mitigating reasons to decide not to have the vehicle towed:

(a) The vehicle can be released to another party at the scene who is not intoxicated and possesses a valid driver's license.The owner/operator under arrest must consent to the release of the vehicle to that person.

(b) The vehicle was stopped and would remain parked on property owned, leased or rented by the person arrested and the owner/operator gives consent for the vehicle to be secured at that location.

(c) An on duty supervisor authorizes an alternate disposition that the owner/operator consents to.

(d) If the operator is under 18 years of age and the vehicle is registered to the operator's parent, before the tow service is called, the officer may attempt to contact the parent to allow a reasonable opportunity to pick up the vehicle.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating while intoxicated (OWI).

503.2 POLICY

The Appleton Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Wisconsin's impaired driving laws.

503.3 INVESTIGATIONS

All officers are expected to enforce these laws with due diligence.

The Operations Captain(s) will develop and maintain, in consultation with the prosecuting attorney(s), report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OWI investigation will be documented using these forms, or capturing the same information in a report. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Wisconsin or another jurisdiction.

DETECTION OF INTOXICATED DRIVERS PROCEDURE

503.4 FIELD TESTS

The Operations Captain(s) should identify standardized FST's and any approved alternate tests for officers to use when investigating violations of OWI laws.

FIELD SOBRIETY TESTS/PRE-ARREST SCREENING PROCEDURE

503.4.1 ADMINISTRATION OF SFSTS

Officers trained in the proper administration of SFSTs shall use those skills in testing for driver impairment. Officers shall perform testing in accordance with the NHTSA standards and training. The three tests that constitute SFSTs are:

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(a) Horizontal gaze nystagmus (HGN) - This test involves the involuntary jerking of the eyes as they gaze to the side. The involuntary jerking becomes more pronounced as the impairment level increases.

(b) Walk and turn - This is a divided attention test.. The mental tasks include comprehension of verbal instructions and the physical balance and coordination tasks.

(c) One leg stand - This test is the same type of divided attention task as the walk and turn test.

All three tests are highly reliable when properly administered and interpreted for evaluating an individual's level of impairment.

503.5 CHEMICAL TESTS

A person implies consent under Wisconsin law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Wis. Stat. § 343.305):

(a) The officer has arrested the person for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or any other drug.

(b) The officer has arrested the person for operating a motor vehicle with a detectable amount of a restricted controlled substance in the person's blood.

(c) The officer has arrested the person for operating a motor vehicle with a prohibited alcohol concentration.

(d) The officer has arrested a person under the age of 21 who has any detectable amount of alcohol in his/her system.

(e) The officer has arrested a person who was operating a commercial motor vehicle while having an alcohol concentration of 0.04 or more.

(f) The officer has arrested the person for causing injury to another person while OWI or with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his/her blood.

(g) The officer has arrested the person for causing injury to another person while operating a commercial motor vehicle with an alcohol concentration of 0.04 or more.

(h) The officer has arrested the person for a violation of Wis. Stat. § 940.25 (injury by intoxicated use of a vehicle).

(i) The officer has arrested the person for a violation of Wis. Stat. § 940.09 (homicide by intoxicated use of vehicle).

If a person withdraws this implied consent he/she will be processed as a refusal. If a person is unable to withdraw consent (e.g., the person is unconscious) the officer should read the Informing the Accused statement as usual and process as a refusal if no response is provided.

Alternative chemical testing is addressed in the procedure below.

CHEMICAL TESTS FOR INTOXICATION PROCEDURE

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503.5.1 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test shall read to the person the mandatory statutory warning form provided by Wis. Stat. § 343.305(4) entitled Informing the Accused. Officers shall not expand upon the form.

503.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Wis. Stat. § 343.305(5)(b)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (Wis. Stat. § 343.305(5)(b)). The investigating officer shall collect the name and date of birth of the medical staff member performing the blood draw and document this information in the arrest report.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.3 BREATH SAMPLES

The designated department employee(s), with proper certification from the Wisconsin Department of Transportation (WisDOT) Chemical Test Section, should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested. A record of such service and testing shall be properly maintained in accordance with guidelines established by the WisDOT Chemical Test Section.

Officers obtaining a breath sample should ensure that the device is serviceable and within the current calibration date. Officers should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the designated department employee(s).

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Ensure the arrestee has been properly advised of the requirement to provide a sample (Wis. Stat. § 343.305).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

(d) Seek a warrant to obtain the blood of the arrestee.

FORCED BLOOD DRAWS PROCEDURE

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503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The Records Division on behalf of the officer shall forward copies of the notice to the appropriate prosecuting attorney, as well as the Wisconsin Department of Transportation (WisDOT), in the manner prescribed by WisDOT. If the person was operating a commercial motor vehicle, the officer shall issue the person a 24-hour out-of-service order (Wis. Stat. § 343.305(9)).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist, the person has been arrested for OWI, the officer reasonably believes that a chemical test will reveal evidence of intoxication, and no reasonable objection to the withdrawal has been presented by the arrestee. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

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2. In first-time OWI and misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and the attempt to obtain blood will cease.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.6.4 OFFICER ACCESS TO ADDITIONAL SAMPLE

If a person refuses to submit to a chemical test but has had a sample of blood, urine or other bodily substance taken for any reason, the officer may obtain a portion of that sample sufficient for analysis or may request that a sample be available as allowed by law (Wis. Stat. § 905.04(4)(f)).

503.7 ARREST AND INVESTIGATION

503.7.1 CRASHES

Officers investigating a person for OWI shall make all reasonable efforts to obtain a chemical sample if the person was involved in a crash that resulted in a fatality or serious physical injury (Wis. Stat. § 343.305(2)).

503.7.2 OFFICER RESPONSIBILITIES

If a chemical test indicates the presence of a controlled substance or a prohibited alcohol concentration, the Records Division on behalf of the officer shall forward the result to WisDOT (Wis. Stat. § 343.305(7)). The person shall be informed that his/her driving privilege will be administratively suspended for six months and that the person has the right to an administrative hearing. The form to request the administrative review shall be provided to the person (Wis. Stat. § 343.305(8)). If the person was operating a commercial motor vehicle, the officer shall also issue the person an out-of-service order.

503.7.3 PRELIMINARY BREATH TESTING

An officer who has probable cause to believe that a person has committed OWI or where the officer detects any presence of alcohol, a controlled substance or any other drug on a person operating a commercial motor vehicle, may request that the person submit to a preliminary breath test (PBT). The result of the PBT may be used by the officer in deciding whether to arrest the person and whether to require or request additional chemical testing under Wis. Stat. § 343.305(3). A person may refuse to take the PBT (Wis. Stat. § 343.303).

503.7.4 ARRESTEE RELEASE

If allowed by the rules of the court, a person arrested for OWI may be released to a responsible adult. The individual to whom the person is released is required to sign an OWI Responsibility Release containing his/her name and address, and that he/she will be responsible for the person.

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A person arrested for OWI who is unable to be released to a responsible adult may not be released until 12 hours have elapsed or until a chemical test administered under Wis. Stat. § 343.305 shows a breath or blood alcohol content of less than 0.04 (Wis. Stat. § 345.24).

503.7.5 ADDITIONAL TESTING

If a person submits to a chemical test requested pursuant to the implied consent law, he/she is entitled to a reasonable opportunity, upon request, to have additional chemical testing done (Wis. Stat. § 343.305(5)).

503.8 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office and WisDOT (Wis. Stat. § 343.305(7); Wis. Stat. § 343.305(8); Wis. Stat. § 343.305(9)).

503.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to WisDOT.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

503.10 COUNTERMEASURES PROGRAM

The primary objective of the OWI countermeasures program is to reduce the number of alcohol and/or drug related traffic offenses and crashes.

District Commanders shall analyze traffic enforcement and traffic crash data to determine locations and time periods in their respective districts having a high incidence of alcohol/drug related traffic crashes or violations. Patrol assignments shall be made based on the results of the analysis.

Individual officers are encouraged to initiate OWI countermeasures based on their knowledge of when and where alcohol related violations and crashes are likely to occur.

503.11 TRAINING

The Professional Development Coordinator should ensure that officers participating in the enforcement of OWI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OWI investigations. The Professional Development Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this department shall use the State of Wisconsin Uniform Traffic Citation for moving traffic violations and other violations pursuant to Wis. Stat. § 345.11 via TRACS. Officers shall inform the person charged with a violation of a traffic regulation of the consequences of the citation on his/her driving privilege (Wis. Stat. § 345.27(1)). After issuing the citation, the officer shall process the person in accordance with Wis. Stat. § 345.23.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the City Attorney.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. The officer should contact the City Attorney for further guidance.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

504.5 CORRECTION OF TRAFFIC CITATIONS

The charge on the front side of the citation form shall not be amended. When a traffic citation in need of correction has not been entered in court, the citation should be voided as described in this policy and a citation with a new number should be issued. The officer issuing the citation shall work with Records to either get the citation corrected and/or reissued. The Records Unit will assist with sending a correction letter to the defendant when applicable.

504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded electronically to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Section.

504.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults.

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(a) Juveniles 16 or 17 years of age shall be treated as adults when issued a Uniform Traffic Citation.

(b) Juveniles 15 years of age shall be issued a juvenile court date with an adult bond.

(c) Juveniles 12 to 14 years of age who commit a Section I traffic offense listed in the Wisconsin Uniform Traffic Bond Schedule may be issued a Uniform Traffic Citation. However no bond shall be listed on the traffic citation, and a juvenile court date shall be assigned.

(d) Juveniles under the age of 12 who commit a Section I traffic offense, or juveniles under the age of 15 who commit a Section II traffic crime, must be referred to the appropriate juvenile intake office.

(e) When a citation is issued to a juvenile under 18 years of age this department shall notify the parent, guardian or legal custodian of the violation within seven days (Wis. Stat. § 343.15(5); Wis. Stat. § 938.17(2)(c)).

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Appleton Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

Officers shall attempt to determine the motorist's preference when summoning mechanical or towing assistance. If the motorist does not have a preference, or is unfamiliar with the services available in the area, officers and telecommunicators will follow the procedures established in the Towing and Release policy.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle.

505.3.2 RELOCATION OF DISABLED VEHICLES

Other than vehicles equipped with push bumpers following policy, department vehicles are not to be used to push or pull other vehicles.

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Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, removal and recording of vehicles abandoned in violation of abandoned vehicle laws or ordinances or that must be removed due to an emergency.

506.2 MARKING VEHICLES

Vehicles on public roadways or on public or private property suspected of being abandoned in violation of state or local laws shall be marked with the appropriate orange sticker and documented via the computer aided dispatch (CAD) system.

Reasonable attempts should be made by the investigating member to identify and notify the owner of the pending removal of the vehicle using information available from the Wisconsin Department of Justice Transaction Information for the Management of Enforcement (TIME) system. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle prior to removal.

If a marked vehicle has been moved or the markings have been removed during a reasonable investigation period, the vehicle shall be marked again with an orange sticker for the abandonment violation and a report shall be completed in Spillman.

506.2.1 MARKED VEHICLE FILE

The Operations Coordination Unit shall be responsible for maintaining a file for all abandoned vehicle complaints.

Community Service officers shall be responsible for the follow-up investigation of all abandoned vehicle violations.

506.3 VEHICLE IMPOUND

Any abandoned vehicle qualifying for a tow should be removed by the contracted abandoned vehicle wrecker and a vehicle impound/storage form shall be completed by the officer authorizing the removal of the vehicle.

506.3.1 VEHICLE IMPOUND REPORTING

It shall be the responsibility of the Lead Community Service Officer to contact the owner of the vehicle. If the vehicle's owner cannot be reached by telephone, the owner, in addition to the last registered owner and any lienholders, shall be notified by certified mail informing them they must claim the vehicle within 15 days. Vehicles not claimed within 15 days shall be disposed of in accordance with applicable City ordinances and Wisconsin State Statutes.

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Parking Regulations and Enforcement

507.1 PURPOSE

The purpose of this policy is to establish uniform regulation and enforcement of vehicular parking by the Appleton Police Department.

507.2 POLICY

It is the policy of the Appleton Police Department that officers and community service officers shall enforce existing parking regulations in a fair and equitable manner. The ultimate goal of such enforcement is the achievement of voluntary citizen compliance with those regulations, as well as the efficient and lawful use of parking facilities in the City of Appleton. The department shall emphasize and place a high priority on the enforcement of handicapped parking regulations throughout the city.

507.3 DEFINITIONS

Declaration of Snow Emergency - It shall be the duty of the Mayor or, in his absence, the Director of Public Works or designee, during the periods of a severe snowstorm and immediately thereafter, to declare a state of public emergency and the duration thereof and designate emergency thoroughfares by public proclamation, which may be done through the medium of social media, radio, placards, newspapers or other means of communication. (Ord. 19-94)

Class I Emergency - During a Class I Snow Emergency there shall be no parking on any City street from 2:00 AM to 5:00 AM. Permission for overnight parking will not be granted while a Class I Snow Emergency is in effect. Vehicles in violation shall be ticketed and may be towed.

Class II Emergency - During a Class II Snow Emergency there shall be no parking on any City street from 2:00 AM to 5:00 AM, and at all other times parking is restricted to the even-numbered side of the street on even-numbered days and to the odd-numbered side of the street on odd-numbered days. Day means the day beginning at 5:00 AM and ending at 2:00 AM the following day.

Class III Emergency - During a Class III Snow Emergency there shall be no parking on any City street at any time.

Snow emergency parking restrictions do not apply where snow has been removed to the curb.

507.4 GENERAL GUIDELINES FOR PARKING REGULATION ENFORCEMENT

The responsibility for enforcing parking regulations in the City of Appleton is shared between the Appleton Police Department (APD) and the Department of Public Works - Parking Division.

Both sworn officers and Community Service Officers (CSOs) will be responsible for parking enforcement according to the following guidelines:

(a) Officers and CSOs shall enforce restricted parking or general parking violations they encounter anywhere within the City of Appleton.

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(b) Officers and CSOs shall enforce violations of the parking regulations affecting safety and the welfare of the community.

(c) Officers and CSOs shall enforce violations of the 2:00 AM to5:00 AM parking regulation.

(d) Officers and CSOs should only enforce metered parking in response to either citizen complaints, when the Parking Department is unable to respond or during special events when meters are bagged and roadway needs to be cleared for the event.

507.4.1 HANDICAPPED PARKING

Officers shall take vigorous enforcement action for all violations of properly marked handicapped parking stalls on public or private property held open to the public.

"Handicapped Parking Only" parking stalls must be marked with an official sign designating the parking stall as "Handicapped Parking Only". This official traffic sign must be clearly visible to motorists and conform to the requirements of §346.503(3), Wis. Stats. The painted handicapped parking symbol on the surface of the parking stall without the appropriate posted sign is not sufficient and enforcement action cannot be taken.

Only vehicles displaying "Disabled", "Disabled Veteran" registration plates or a current "Handicapped Parking Permit" issued by the Department of Transportation, can park in handicapped stalls.

507.4.2 SPECIAL PARKING ENFORCEMENT SITUATIONS

Officers and CSOs should take enforcement action for all parking violations that occur during special events and/or weather-related situations. This enforcement could include the following violations:

(a) Bagged meter violations (excluding ramps) in the downtown district.

(b) “Temporary No Parking” violations (posted/authorized by APD due to Special Events or situations).

(c) Snow Emergency violations (See Appendix A - Snow Emergency Procedure)

507.4.3 UNPAID PARKING CITATIONS REGISTRATION SUSPENSIONS

If a vehicle is being operated and the operator did not know, and had no reason to know about the suspension, revocation or cancellation, a written warning is issued for operating a vehicle with a suspended, revoked or cancelled registration.

(a) Refusal to accept or failure to receive an order of suspension, revocation or cancellation is not a defense to this violation.

Drivers can only be restricted from operating the vehicle while the suspension, revocation or cancellation is in place.

When an officer has evidence that the operator knowingly operated the vehicle with a suspended, revoked or cancelled registration, the operator shall be issued a citation for §341.03, Wis. Stats.

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If the vehicle owner is present, or contacts the department later, they should be informed to call the suspending agency listed on the registration return to determine the fine amount. When issuing a warning or citation, the suspending agency phone number should be documented on the operator's copy.

If the vehicle is not being operated and the owner is present, he or she should be informed that the vehicle cannot be legally operated on the roadway.

Individuals may pay for unpaid parking citations issued by this department at the Appleton Police Department or at the City's Finance Department. All other citations must be paid at the issuing agencies.

License plates will not be confiscated as a result of unpaid parking tickets.

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Push Bumper Use

508.1 PURPOSE AND SCOPE

Push bumpers are a valuable tool to clear the roadway of immediate traffic hazards. Push bumpers are not to be used in lieu of tows. Rather, they can be used to quickly move motor vehicles disabled due to a malfunction or crash to a temporary safer location for public safety staff and passing motorists, when necessary. This policy will provide employees with guidance and limitations when using a police vehicle push bumper to move vehicles from the roadway.

508.2 POLICY

(a) General guidelines

  (a) Use of a push bumper must be authorized by a supervisor.

  (b) Push bumpers may be used for pushing disabled vehicles (due to crash damage or malfunction) on public roadways which are obstructing or likely to obstruct traffic.

  (c) Push bumpers may be used to move vehicles in emergencies, i.e. to open a route for first responders.

(b) Push bumper prohibitions

  (a) Push bumpers are not designed to provide protection to police vehicles or officers during ramming/PIT maneuvers.

  (b) An officer shall not push a vehicle without the consent of the owner/operator, unless there is a clear emergency endangering those present and/or others on the roadway.

  (c) An officer shall not push a vehicle without a driver. The officer shall determine if the driver appears capable of following instructions and operating the vehicle to be pushed. With consent, others present may operate the pushed vehicle, including capable first responders.

  (d) Police vehicles should not push vehicles with an estimated gross weight in excess of 5,000 pounds (most full size SUVs, dual axle pickup trucks, and WI truck registration beyond "A.") Supervisory approval for vehicles in question should be sought.

  (e) The pushing police vehicle should not exceed 10 MPH.

(c) Proper use of push bumpers

  (a) Before seeking supervisory approval to push a vehicle, officers should use a body camera to record the vehicle to verify:

    (a) The rear bumper is stable.

    (b) Proper alignment of the bumper and the APD push bumper is possible.

    (c) The wheels and tires of the pushed vehicle appear to be in proper condition to roll true and unobstructed.

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(b) Officers will consider their surroundings and the conditions of the roadway before an attempt is made to push a disabled vehicle.

(a) Officer should avoid pushing over a hill as bumper contact will likely be lost going downhill.

(b) Officers must be able to see the pushed vehicle at all times.

(c) Officers must consider roadway flaws/debris obstructions which may damage the pushed vehicle (potholes/crash debris, etc.)

(d) Ice/snow may cause difficulty with pushing a vehicle.

(e) 90 degree turns should be avoided when identifying the safe location where the vehicle is to be pushed.

(f) The first safer location should be used to avoid prolonged pushing of the vehicle.

(d) Verbal permission from the owner/operator should be captured on a body camera. Officers shall use a trained "informed consent" statement to request this permission.

(e) Officers shall use police vehicle emergency lighting while rendering assistance with the push bumper.

(f) Officers must complete department training on the use of the push bumper before using one.

(g) Body camera footage should be taken after the push maneuver is complete to show there was no damage sustained.

(h) If unexpected damage occurs to the pushed vehicle or the police vehicle, the officer will take photographs with the department cell phone and notify a supervisor for further investigation.

508.3 OWNER/OPERATOR PUSHING INSTRUCTIONS

1. Make sure the vehicle is in neutral and the emergency brake is disengaged.
2. Remove foot from the brake.
3. Make certain the steering wheel is unlocked.
4. Explain the steering/brakes will not be power-assisted which will make controlling the pushed vehicle harder.
5. Identify to destination to be reached and obtain confirmation from the owner/operator.
6. Explain the operator will feel a slight bump when the police vehicle makes contact.
7. The pushed vehicle operator should be instructed to raise a hand to signal the officer when he/she is ready to begin the push.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations. The duties and responsibilities of the investigating officer, Evidence Unit personnel, and the field evidence technicians will also be addressed in this policy.

600.2 POLICY

It is the policy of the Appleton Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

All members of the department share responsibility for the completion of criminal investigations. Patrol officers are expected to complete thorough investigations on all assigned cases and to thoroughly document each investigation in a report.

It is recognized that certain investigations either require a high degree of specialization or advanced training, or are more appropriately managed in a centralized fashion. To that end, the Investigative Services Unit has been established to initiate and coordinate investigations that require resources beyond those, which could be reasonably expected by the Patrol Division, including high tech crimes and crime on the internet.

Furthermore, it is the policy of the Appleton Police Department that all investigations are to be conducted in strict compliance with constitutional requirements.

600.3 INVESTIGATIVE PROCEDURES

600.3.1 INVESTIGATIVE AND SUPPORT SERVICES COMMAND

The Investigative Services Unit has been established in order to centralize investigations requiring a high degree of specialization and advanced training. The Captain of Investigations and Support Services or the authorized designee shall be responsible for developing, maintaining and reviewing detailed investigative procedures. Such procedures will minimally include:

(a) Case file management.

(b) Preliminary and follow-up criminal investigations not assigned to the patrol division.

(c) Vice, narcotics and organized crime investigative and administrative protocols.

(d) Multi-jurisdictional investigative task force roles and responsibilities.

(e) Polygraph or other truth-telling device examinations.

(f) Cold case definition, evaluation criteria and documentation.

(g) Undercover surveillance, decoy and raid operations.

(h) Dignitary protection plans.

(i) Photographic (conventional and digital) and other digital evidence collection.

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(j) Known source evidence collection for physical evidence comparison.

(k) Forensic laboratory evidence submission.

(l) Latent fingerprint preservation.

(m) Interrogations of adults and juveniles.

(n) On-call schedule to ensure 24-hour availability of investigative personnel.

(o) Managing of the School Resource Officer Program.

(p) Maintaining a liaison with local, state, and federal law enforcement agencies for the purpose of gathering and disseminating information.

INVESTIGATIVE SERVICES UNIT PROCEDURES

600.3.2 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation. Maintain a crime scene log, when applicable.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required. Complete a case transfer request, if applicable.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence. Properly package, label, and store evidence at the police department. Photograph scene and evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

(d) Employees shall not interfere with cases being handled by officers of the Department or by any other governmental agency unless:

1. Ordered to intervene by a supervisor, or
2. The intervening employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

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(e) Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission form their superior officer unless the exigencies of the situation require immediate police action.

OFFICER PROCEDURAL RESPONSIBILITIES

600.3.3 CRIME SCENE PROCESSING

The officer assigned to complete an investigation has the primary responsibility for the collection and preservation of physical evidence, as well as gathering, packaging, and labeling physical evidence found at a scene.

If the knowledge, skills, and abilities necessary to process the crime scene exceed those possessed by the investigating officer, the expertise of field evidence technicians or Evidence Unit personnel should be requested.

The specific responsibilities of the officer assigned to complete an investigation of a crime include but are not limited to:

(a) Securing and protecting the crime scene

(b) Maintaining a crime scene log, when applicable

(c) Photographing the scene

(d) Searching the scene

(e) Diagramming and sketching the scene, when applicable

(f) Collecting and preserving evidence

All officers should have packaging materials—paper bags, envelopes, plastic bags, small containers, gloves, razor blades, tape, etc. readily available for the collection and preservation of physical evidence.

Officers assigned an investigation may request assistance from field evidence technicians or Evidence Unit personnel to perform procedures such as photography, casting of tire or footwear impressions, latent fingerprint collection, DNA evidence collection, or other evidence gathering procedures requiring specialized training, skills, or equipment.

All Evidence Unit personnel and field evidence technicians should gather materials and substances, when available, from known sources for submission to the Crime Laboratory for comparison with other physical evidence collected.

When assigned, field evidence technicians and Evidence Unit personnel should share the responsibilities of processing the scene with the officer assigned to complete the investigation.

CRIME SCENE PROCESSING PROCEDURES

600.3.4 EVIDENCE UNIT PERSONNEL

An Evidence Unit person, or his/her designee, shall be available on a 24 hour call in basis to process major crime scenes.

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If a supervisor determines that an Evidence Unit person should process a crime scene, the person shall be notified as soon as practicable. The Evidence Unit person shall respond to the scene as soon as possible after being notified, unless specifically instructed by the Investigative Services Lieutenant to wait to respond until a search warrant is obtained.

The officer assigned to the investigation shall protect the crime scene and refrain from processing the crime scene, absent exigent circumstances, until the arrival of the Evidence Unit person. The assigned officer should assist the Evidence Unit person with processing the crime scene.

With supervisory approval, the Evidence Unit person may request additional support (field evidence technicians) to assist with the crime scene. Evidence Unit personnel are responsible for monitoring the work completed by the field evidence technicians and, as the need arises, providing refresher training pertaining to the latest techniques in identification, collection, and preservation of physical evidence.

Evidence Unit personnel shall complete a supplement to the offense report after processing a crime scene.

All Evidence Unit personnel are responsible for the management, control, and disposition of all property and evidence seized, recovered, or accepted by the department and stored in an Evidence Unit storage area.

The Chief of Police is responsible for designating those employees that should have access to the secure storage areas.

600.3.5 FIELD EVIDENCE TECHNICIANS

Field evidence technicians are responsible for recognizing, collecting, and preserving all physical evidence at crime scenes that they are sent to process.

Field evidence technicians assigned to investigate a complaint requiring processing of a related crime scene or injury photographs, should complete the investigation and processing whenever possible. If the investigative duties require the officer to leave the scene, or if the complexity of the investigation or the processing will not allow the officer to complete the investigation and processing, the officer may request the assistance of another field evidence technician.

Evidence technicians shall complete a supplementary report.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy. If a defendant indicates in any manner and at any time, either before or after being advised of Miranda rights, that he or she wishes to speak with an attorney before speaking, there shall be no further questioning regarding the incident.

Non-custodial arrest situations; e.g., a routine traffic stop or ordinance violation, are more analogous to a temporary investigative stop as defined in 968.24, Wis. Stats., and do not require Miranda warnings.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a felony shall be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Wis. Stat. § 968.073(1)(a)); Wis. Stat. § 968.073(2)).

(a) Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):

1. The person refused to respond or cooperate in the interrogation if a recording was being made. The refusal shall be recorded or documented in a written report.
2. The statement was made in response to a question asked as part of the routine processing.
3. The statement was made spontaneously and not in response to a question.
4. The officer in good faith failed to make a recording because the recording equipment did not function, malfunctioned, stopped operating or the officer inadvertently failed to operate the equipment properly.
5. Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.
6. The officer conducting the interrogation believed at the commencement of the interrogation that the offense for which the person was taken into custody or for which the person was being investigated was not a felony.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

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

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

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately. A request to inactivate a case must be made through a supervisor.

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(b) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(c) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(e) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.6.1 PROCESSING DIGITAL EVIDENCE

The Investigative Services Unit shall be responsible for developing procedures concerning the collection, processing and preservation of digital evidence (i.e., still cameras, video cameras, cell phones, computers) to include:

(a) Procedures for secure shutdown of electronics.

(b) Procedures for property packaging and transportation of electronics.

(c) Storage of original image or document.

(d) Protocol for processing digital evidence, to include:

1. Gathering
2. Editing
3. Ensuring authenticity

(e) Training of personnel to handle digital evidence.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment,

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the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

UNDERCOVER COMPUTER INVESTIGATIONS PROCEDURES

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 BACKGROUND INVESTIGATIONS

Background investigations may be conducted on individuals suspected of criminal activity, business license applicants, pre-employment candidates and other lawful instances as determined by the Chief of Police.

Due to the sensitive nature of these investigations, they should be conducted discreetly and with special precautions. Any lawful information source may be explored during a background investigation, Such sources may include other law enforcement agencies and information

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systems, credit bureaus, informants, business and personal contacts, and various official records repositories.

The Chief of Police shall designate a supervisor to represent the department on licensing matters before the Safety and Licensing Committee. This individual shall be responsible for conducting background investigations for the purpose of business licensing.

The Support Services Unit shall be responsible for the coordination of pre-employment background investigations. All employees performing pre-employment background investigations shall receive relevant training prior to receiving such an assignment.

Background investigations completed for any reason shall be used solely for the furtherance of lawful department objectives. All background investigation records shall be purged in a manner consistent with Wisconsin Statutes.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a supervisor or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; Wis. Stat. § 948.095; and Wis. Stat. § 948.098.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Appleton Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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Officers assigned to the School Resource Officer Unit shall be considered qualified investigators. These officers shall be specially trained in areas to include responding to the needs of victims and collecting sensitive crime evidence. Designated investigators will be trained in Wisconsin Forensic Interviewing Guidelines (WiFIG), at the discretion of the School Resource Officer Lieutenant, and shall be available to respond to reported sensitive crimes. Other officers may be designated as qualified investigators at the discretion of the School Resource Officer Lieutenant.

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

VICTIM INTERVIEW PROCEDURE

601.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

The initial interview may be conducted by a patrol officer. This should be a minimal facts interview to determine jurisdiction and enough information about the alleged incident to determine the next investigative steps which need to be taken.

An in-depth interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

601.4.2 POLYGRAPH EXAMINATIONS

Victims shall not be asked or required to take a polygraph examination nor shall an officer suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (34 USC § 10451; Wis. Stat. § 968.265).

601.4.3 VICTIM CONFIDENTIALITY

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

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If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

EVIDENCE COLLECTION PROCEDURE AND SUSPECT INTERVIEW GUIDELINES

601.5.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (Wis. Stat. § 165.775):

(a) Upon notification by a health care professional, take possession of a sexual assault kit within 72 hours.

(b) Send a sexual assault kit to a state crime laboratory within 14 days of its receipt in accordance with the rules established by the Wisconsin Department of Justice.

1. If a member is notified by the victim before the kit is sent to a state crime laboratory that the victim does not want the kit analyzed, the member should send the kit to a state crime laboratory for storage.

2. Notify the state crime laboratory if the sexual assault kit contains evidence from:

(a) A victim who reported the sexual assault to the Department, the perpetrator is unknown, and a threat to public safety exists.

(b) A sexual assault forensic examination performed in an investigation of a death involving unexplained, unusual, or suspicious circumstances.

(c) Notify a state crime laboratory of a victim's delayed report of sexual assault or request to analyze a stored sexual assault kit, and request processing of the kit in their possession (Wis. Admin. Code § JUS 20.04).

(d) Make the required entries into the Wisconsin Sexual Assault Kit Tracking System when applicable (Wis. Stat. 165.776).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.5.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

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information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.6 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the School Resource Officer Lieutenant.

Classification of a sexual assault case as unfounded requires the School Resource Officer Lieutenant to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.7 CASE REVIEW

The School Resource Officer Lieutenant should ensure cases are reviewed on a periodic basis. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

601.8 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The School Resource Officer Lieutenant should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes. The release of information should be done in collaboration with the Community Resource Unit Lieutenant.

601.9 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

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1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

(c) Techniques for communicating with victims to minimize trauma.

601.10 NOTIFICATION

The officer assigned to investigate a report of sexual misconduct by a school staff member or volunteer against a pupil enrolled in the school shall notify the Wisconsin Department of Public Instruction as soon as practicable of the alleged crime as required by Wis. Stat. § 948.098.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Appleton Police Department seizes property for forfeiture or when the Appleton Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - This includes:

(a) Property, real or personal, including money, used in the course of, intended for use in the course of, or directly or indirectly derived from, or realized through the commission of any crime (Wis. Stat. § 973.075).

(b) Motor vehicles, boats, and planes that are used in any of the following ways (Wis. Stat. § 973.075):

1. To transport any property or weapon used, to be used, or received in the commission of any felony.

2. To commit a crime involving impersonating peace officers, firefighters, or other emergency personnel in violation of Wis. Stat. § 946.70.

3. In the commission of prostitution (Wis. Stat. § 944.30); patronizing prostitutes (Wis. Stat. § 944.31); soliciting prostitutes (Wis. Stat. § 944.32); pandering (Wis. Stat. § 944.33); keeping a place of prostitution (Wis. Stat. § 944.34); human trafficking (Wis. Stat. § 940.302); sexual assault of a child (Wis. Stat. § 948.02); engaging in repeated acts of sexual assault of the same child (Wis. Stat. § 948.025); sexual exploitation of a child (Wis. Stat. § 948.05); trafficking of a child (Wis. Stat. § 948.051); causing a child to view or listen to sexual activity (Wis. Stat. § 948.055); incest with a child (Wis. Stat. § 948.06); child enticement (Wis. Stat. § 948.07); soliciting a child for prostitution (Wis. Stat. § 948.08); patronizing a child (Wis. Stat. § 948.081); sexual intercourse with a child age 16 or older (Wis. Stat. § 948.09); exposing genitals (Wis. Stat. § 948.10); or possession of child pornography (Wis. Stat. § 948.12).

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4. In the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47.
5. To cause more than $2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2)(d) or Wis. Stat. § 943.012.
6. In the commission of any of the following crimes:
    (a) Domestic abuse restraining orders and injunctions (Wis. Stat. § 813.12(8)).
    (b) Child abuse restraining orders and injunctions (Wis. Stat. § 813.122(11)).
    (c) Restraining orders and injunctions for individuals at risk (Wis. Stat. § 813.123(10)).
    (d) Harassment restraining orders and injunctions (Wis. Stat. § 813.125(7)).
    (e) Foreign protection orders (Wis. Stat. § 813.128(4)).
    (f) Stalking (Wis. Stat. § 940.32).

(c) Property that is used, or intended for use, as a container for either controlled substances or objects used to manufacture, deliver, distribute, etc., controlled substances (Wis. Stat. § 961.55).

(d) Vehicles used to sell or receive controlled substances (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).

(e) Vehicles used to transport any property or weapon used, to be used, or received in the commission of any felony under the Uniform Controlled Substances Act (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).

(f) Property, real or personal, including money, directly or indirectly derived from or realized through the commission of any crime under the Uniform Controlled Substances Act (Wis. Stat. § 945.05).

(g) A motor vehicle or aircraft used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of illegal gambling devices (Wis. Stat. § 945.05).

(h) Real or personal property used in the course of, or intended for use in the course of, derived from, or realized through, racketeering or an ongoing criminal enterprise (Wis. Stat. § 946.86; Wis. Stat. § 946.87)

(i) Cigarettes acquired, owned, imported, possessed, kept, stored, made, sold, distributed, or transported in violation of Chapter 139 (Tobacco Taxes) and all personal property used in connection therewith (Wis. Stat. § 139.40).

(j) Any property used in the commission of an unauthorized release of animals (Wis. Stat. § 943.75).

(k) Any property used in the commission of a child enticement (Wis. Stat. § 948.07).

(l) Bootlegged recordings and devices to make them (Wis. Stat. § 943.207 et. seq.).

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

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602.2 POLICY

The Appleton Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Appleton Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture identified in a search warrant or court order (Wis. Stat. § 968.13; Wis. Stat. § 973.075; Wis. Stat. § 961.55).

(b) Property subject to forfeiture not identified in a search warrant or court order may be seized in any of the following circumstances:

1. The seizure is legal as incident to an arrest or an inspection under an administrative or inspection warrant.

2. There is probable cause to believe that the property:

   (a) Was derived from or realized through a crime or was used for child enticement (Wis. Stat. § 948.07;Wis. Stat. § 973.075).

   (b) Is a vehicle that was used to transport any property or any weapon that was used, was to be used or was received in the commission of any felony, used in the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47, used in the commission of child enticement under Wis. Stat. § 948.07, or used to cause more than $2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2)(d) or Wis. Stat. § 943.012 (Wis. Stat. § 973.075).

3. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act, that the property was derived from or realized through a crime under the Uniform Controlled Substances Act, or that the property is a vehicle subject to forfeiture under the Uniform Controlled Substances Act (Wis. Stat. § 961.55).

4. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety (Wis. Stat. § 961.55; Wis. Stat. § 973.075).

(c) The officer reasonably believes that a vehicle or aircraft was used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of gambling devices (Wis. Stat. § 945.05).

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Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds

(b) Property that the officer reasonably believes the owner or interest holder of did not know about the related offense (an innocent owner) (Wis. Stat. § 961.55; Wis. Stat. § 973.075)

(c) A vehicle used for a simple possession in a controlled substance violation (Wis. Stat. § 961.41(3g)(b) to Wis. Stat. § 961.41(g); Wis. Stat. § 961.55)

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure their report is completed and processed as a confinement report. The officer should advise the Records Department of the seizure to ensure strict guidelines on time parameters are met.

The officer will record seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

602.5 MAINTAINING SEIZED PROPERTY

The Investigations Unit Lieutenant is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 DISPOSITION OF FORFEITED PROPERTY

When property is forfeited by order of a court under the Uniform Controlled Substances Act, the Appleton Police Department shall act in accordance with Wis. Stat. § 961.55.

When property is forfeited by order of a court as derived from a crime under Wis. Stat. § 973.075 through Wis. Stat. § 973.077, the department shall act in accordance with Wis. Stat. § 973.075.

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Asset Forfeiture

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Appleton Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Appleton Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Appleton Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor and the Special Investigations Unit Lieutenant. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 ADDITIONAL REQUIREMENTS

In addition to complying with the requirements in this policy, an officer not currently assigned to the Investigative Services Unit requesting to use an informant should do the following:

(a) Receive approval from the Special Investigations Unit Lieutenant for the use of the informant.

(b) Be trained in the use of informants.

603.3.3 JUVENILE INFORMANTS

A juvenile may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

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(d) The Chief of Police or the authorized designee

The use of a juvenile in a sex-related investigation is prohibited.

603.3.4 PROBATION/PAROLE STATUS
Upon establishing the informant relationship, the felon's parole officer shall be apprised of the offender's offer to work.

Use of felon informants shall be approved by the Chief of Police or their designee.

603.3.5 INFORMANT IDENTIFICATION
When an informant does not demand anonymity, his or her identity may be used in reports.

When an informant demands anonymity, a number will be assigned to the informant. Informant identification will be developed utilizing procedures established by the Lake Winnebago Metropolitan Enforcement Group Drug Unit.

When applicable, fingerprints will be submitted to the FBI to confirm the informant's identity and to obtain an FBI rap sheet.

603.3.6 OPERATIONAL CONSIDERATIONS
When circumstances dictate, informants will submit to a full set of fingerprints and photographs and a polygraph examination.

Utilization of informants, and their criminal information, shall be in strict compliance with all applicable legal standards and department guidelines.

Once anonymity has been requested, the identity of an informant cannot be revealed without a judicial order or the written consent of the Chief of Police.

No promise of special consideration can be made without prior approval of the appropriate District Attorney or City Attorney.

Information received from informants shall not be made a part of general department files. The information shall be considered confidential and will not be released to unauthorized persons.

Informant identities shall not be revealed to unauthorized persons inside or outside the Appleton Police Department.

603.3.7 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

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(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Investigations and Support Services Captain, Special Investigations Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Appleton Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the Special Investigations Unit Lieutenant, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The Special Investigations Unit Lieutenant shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

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(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Special Investigations Unit supervisor or their authorized designees.

All contacts with the informant will be made a part of the informant contact file. This will include whether the contact was in person, by phone, etc. Also included will be the date, time, and location, purpose and any other person present. Contacts not documented in a report will be dictated as a memo to file under the CI number assigned in the State ACISS system.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

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(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement to include special restrictions

(l) Update on active or inactive status of informant

(m) Rewards/payments made to the informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Special Investigations Unit supervisor will discuss the above factors with the Investigations and Support Services Captain and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Special Investigations Unit buy/expense fund.

1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.

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4. Authorization signatures from the Chief of Police and the Mayor may be required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Appleton Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS

The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Wis. Stat. § 175.50).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Services supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as they did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that they understand the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain they are of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (Wis. Stat. § 175.50). Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

WITNESS IDENTIFICATION PROCEDURES

604.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person is viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

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Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously (Wis. Stat. § 175.50). The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.5.3 SOCIAL MEDIA SHOW-UP

When initiating a social media show-up, the member should observe the following guidelines:

(a) Officers may use social media sites to conduct a "show up" in cases where the perpetrator is known to the victim. The victim must be able to identify the perpetrator based on prior interactions or some type of prior relationship with the perpetrator.

(b) Social media show-ups must be audio and visually recorded. In order for the show-up to be valid, the victim must be confident in the identification and must communicate their certainty with the officer. The officer must document this process in their report.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (Wis. Stat. § 175.50).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.7 POLICY REVIEW

At a minimum, the Department will biennially review the Eyewitness Identification Policy. In developing and revising this policy, the Department will consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Appleton Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Appleton Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Appleton Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

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(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

605.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information.

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

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

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605.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Pilot in Command (PIC) - The person in control of the UAS.

Unmanned aerial system (UAS) - A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) - An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

Visual Observer (VO) - The person whose sole responsibility is to watch the UAS and communicate hazards and obstacles to the PIC.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, the Department of Justice's UAS usage guidelines, and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and department-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform Department protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require written authorization of the Chief of Police or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including but not limited to use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

606.5 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required department and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

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UAS operations shall only be conducted during daylight hours unless the steps in Night Deployment Procedures are followed, as identified below in the UAS Deployment and Use Procedure. A UAV shall not be flown over populated areas without FAA approval.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner or fleeing suspect.
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence
- When there are activities that threaten national security interests
- At special events
- To provide aerial images in areas considered hazardous to human life (e.g. Hazmat incidents)
- For training, testing, evaluation, demonstration, or maintenance purposes
- To collect evidentiary images/videos of a crime scene.

See UAS Deployment and Use Procedure for complete flight guidelines.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- To pursue a fleeing vehicle

The UAS shall not be weaponized.

606.7 CRASH REPORT

In the event that the UAS crashes or becomes involved in an accident that meets either of the following criteria, the PIC shall, no more than 10 days from the date of the incident, report it to the FAA:

- Serious injury or loss of consciousness of a person

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- Damage to any property, excluding the UAS, which exceeds $500 (including material and labor)

606.8 EXTERNAL AUDIT

The Department agrees that it shall be subject to periodic random audits by the FAA or designee to ensure the compliance with related policies governing the operation of the UAS. Failure to comply may result in a penalty imposed against the Department including, but not limited to, revocation of its FAA license or certificate. Any operator found to exceed the scope or limits of the defined permitted use of the UAS may be subject to disciplinary action as well as penalties and/or sanctions set forth in applicable federal, state, and municipal law.

606.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

606.10 TRAINING

All department members authorized to operate or access the UAS shall receive appropriate training.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Appleton Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 SWAT COMMANDER

The SWAT Commander or designee (see the Operations Planning and Deconfliction Policy) shall review all documents related to the warrant application with the involved supervisor to determine the risk level of the warrant service.

The SWAT Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. The warrant affidavit will be submitted to the appropriate supervisor and SWAT Commander for review.

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should brief the on-duty supervisor. The designated supervisor will contact the SWAT Commander. The SWAT Commander or designee will review and determine the classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the SWAT Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

WARRANT SERVICE PROCEDURE

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607.5.1 TEMPORARY FELONY WANT

An arrest on the strength of a warrant is preferable to a temporary want, however, the immediacy of many police arrest situations sometimes makes it impractical to delay matters while a warrant is obtained.

The entry of a temporary felony want should be considered when an officer has probable cause to believe a serious felony was committed, but the person suspected of committing the crime cannot be located. It is important to remember that a temporary felony want does not take the place of a warrant. It does allow other agencies to be alerted immediately while the warrant is sought, thereby increasing the likelihood that the suspect will be quickly apprehended.

607.5.2 TEMPORARY MISDEMEANOR WANT

An arrest on the strength of a warrant is preferable to a temporary want, however, the immediacy of many police arrest situations sometimes makes it impractical to delay matters while a warrant is obtained.

The entry of a temporary misdemeanor want should be considered when an officer has probable cause to believe a misdemeanor was committed but the person suspected of committing the crime cannot be located. It is important to remember that a temporary misdemeanor want does not take the place of a warrant. It does allow other agencies to be alerted immediately while the warrant is sought, thereby increasing the likelihood that the suspect will be quickly apprehended.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for a warrant based on testimony (Wis. Stat. § 968.12), nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

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(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The SWAT Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service (Wis. Stat. § 968.16), including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

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607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the court clerk identified on the warrant as soon as reasonably possible but no later than 48 hours after execution of the warrant, excluding holidays and weekends (Wis. Stat. § 968.17).

Search warrants not executed within 5 days of issuance shall be considered void and returned to the issuing judge.

Pursuant to Wisconsin statute §165.25(20), the department shall report to the state legislature on the required data about physical premise search warrants. This is an annual task to be completed by July 1 for the previous calendar year. The Investigative Services Captain will maintain this data and communicate annually with the state as required in the statute.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The SWAT Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following (see the Outside Agency Assistance Policy):

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the SWAT Commander. The SWAT Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The SWAT Commander should ensure that members of the Appleton Police Department are utilized appropriately. Any concerns regarding the requested use of Appleton Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the SWAT Commander is unavailable, the Assistant SWAT Commander should assume this role.

If officers intend to serve a warrant outside Appleton Police Department jurisdiction, the SWAT Commande or designee should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Appleton Police Department when assisting outside agencies or serving a warrant outside Appleton Police Department jurisdiction.

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607.11 TRAINING

The Professional Development Coordinator should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Appleton Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 SWAT COMMANDER

The Chief of Police will designate a member of this department to be the SWAT Commander.

The SWAT Commander will develop and maintain a risk assessment process to assess, plan and coordinate operations.

The SWAT Commander will review intel gathered with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The SWAT Commander will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT INTEL GATHERING

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment.

When gathering intel, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officerand/or crime analyst should also submit information to these resources.

The officer and/or crime analyst should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment intel and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to the SWAT Commander or his/her designee.

The SWAT Commander or designee shall determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the SWAT Commander, after consultation with the involved supervisor, determines that the operation is high risk, the SWAT Commander should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

- Special Weapons and Tactics (SWAT)
- Additional personnel
- Outside agency assistance
- Special equipment
- Medical personnel/TEMS
- Persons trained in negotiation
- Additional surveillance

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- Canines
- Evidence Unit or analytical personnel to assist with cataloguing seizures
- Forensic specialists
- Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead should ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The SWAT Commander (or designee) should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history).
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids.

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3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children.
5. Vehicles associated with the location or subject of investigation.

(c) Participants and their roles.

1. An adequate number of uniformed officers and marked law enforcement vehicles should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
2. How all participants will be identified as law enforcement.

(d) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(e) Identification of all communications channels and call-signs.

(f) Use of force issues.

(g) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(h) Plans for detaining people who are not under arrest.

(i) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(j) Communications plan.

(k) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Use of force options and limitations, knock and announce rules and items to be seized should be identified at the briefing.

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(c) The SWAT Commander (or designee) shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the SWAT Commander for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

(a) It is the responsibility of the SWAT Commander (or designee) to ensure that the Communications Center is notified of the time and location of the operation. Additional information may be provided at the discretion of the SWAT Commander.

(b) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the SWAT Commander determines that SWAT participation is appropriate, the Commander and the SWAT leaders shall work together to develop a written plan. The SWAT Commander or designee shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT Commander shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy. If a Search Warrant is being served, refer to the Search Warrant Policy for specific prohibitions.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

608.11 TRAINING

The SWAT Commander (or designee)should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Case Management

609.1 PURPOSE

The purpose of this policy is to establish guidelines for assigning responsibility for cases, transferring case responsibility, and tracking case history. The policy also provides guidance regarding the completion and proper disposition of cases and evidence.

609.2 POLICY

It is the policy of the Appleton Police Department to ensure accountability for each incident handled by the department. Each incident shall be assigned to a specific Department employee who shall be responsible for thoroughly investigating the matter.

609.3 CASE ASSIGNMENT PROCEDURE

Every formal incident handled by the department shall be sequentially numbered and documented in Spillman.

Each documented incident shall be assigned to a specific department employee. That employee is responsible for handling the incident, including all necessary follow-ups, until the matter is properly closed or it is transferred, consistent with guidelines established in this policy.

Responsibility for the incident shall include, at a minimum:

(a) Complete and proper preliminary investigation or processing of the incident

(b) Proper documentation of the investigation/incident to include ensuring all supplements are completed and all evidence is logged in

(c) Proper and timely follow-up investigations

(d) Victim/complainant notification where appropriate

(e) Proper disposition or transfer of the incident

(f) Preparation for, and participation in, all related court proceedings

609.4 CASE TRANSFERS

Under certain circumstances, the assigned employee may be unable to handle an incident, or another employee may resolve the matter. When this occurs, a case transfer may be requested.

Case transfers may be requested by any employee or supervisor and need not originate with the person originally assigned. They may be requested for various reasons, including:

(a) A supervisor seeking to redistribute workload

(b) An original employee unable to conduct follow-up due to a lack of necessary skill, availability, workload, current assignment, etc.

(c) An employee, though not originally assigned, who has resolved the incident or is working on similar, related incidents

Employees requesting case transfers shall get permission from a supervisor.

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Supervisors should review cases on a timely basis to assess whether a case transfer is appropriate.

Once supervisory approval is obtained, employees shall send the report to APATSUP while including "For case transfer" and the approving supervisor's name or badge number in the comments field.

If the transfer is approved by the accepting unit's supervisor, the case will be reassigned in Spillman. Once reassigned, the supervisor shall edit the responsible officer designation in Spillman.

If the transfer is denied by the accepting unit's supervisor, the case will be reassigned back to the original employee in Spillman.

609.5 CASE STATUS

A disposition code shall be assigned to every incident handled by the department.

The employee assigned to the incident shall determine the appropriate disposition code.

The disposition code may be changed at any time and should always reflect the current status of the incident.

Spillman disposition codes may be selected from the following list, which also includes a general explanation for applying each code:

(a) Unfounded (UNF): investigation shows the complaint is false or groundless.

(b) Active (ACT): the investigation is pending or continued.

(c) Cleared Adult Arrest (CAA): used for all adult arrests.

(d) Refer to other agency (ROA): an incident has been verified to have occurred, but outside of the city’s jurisdiction. This code is also appropriate for non-criminal matters best handled by an agency outside the criminal justice system.

(e) Cleared Juvenile Arrest (CJA): used for all juvenile arrests.

(f) False Alarm (FAL): used for false alarms..

(g) Closed (CLO): the situation is resolved with no criminal activity.

(h) Inactive (INA): the investigation has exhausted all leads and no suspect has been identified.

(i) Pending (PEN): used by records personnel to signify that a case has been sent to the district attorney’s office and charges have not been filed yet.

609.6 CASE AUDIT

Supervisors are responsible for monitoring cases assigned to their personnel. The supervisory audit should include:

(a) Case progress, validity of the investigative effort, sufficiency of, and the timeliness of the investigation;

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(b) Proper prioritization and allocation of investigative resources;

(c) Proper application of disposition codes; and

(d) Complete and well documented investigation

Unit commanders are responsible for developing the specific case audit methodology to be used by their supervisors.

Supervisors are required to use the Spillman Case Management feature as the primary method for departmental case management and tracking. Secondary personal methods of tracking assigned officers' work are acceptable, but they do not take the place of using Spillman's system.

See attachment: Case Management for Officers.pdf; See attachment: Case Management for Supervisors.pdf

609.7 DISPOSITION OF EVIDENCE

At the conclusion of a case, an evidence disposition form will be completed by the Evidence Unit to determine if the evidence needs to be held or can be disposed of according to the evidence disposition guidelines. All disposition forms need to be signed by a supervisor from the Investigative Services or Community Resource Unit before evidence may be disposed of.EVIDENCE DISPOSITION GUIDELINES

Death investigations are reviewed by the ISU Coordinator prior to the completion of a disposition form. This review process will take place no sooner than 1 year after the death, absent exceptional circumstances.

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Polygraph Examination

610.1 PURPOSE

The purpose of this policy is to establish guidelines for the use of polygraph examinations by the Appleton Police Department.

The purpose of a polygraph examination is to verify claims or statements made by persons who have a specific interest in the criminal investigation. Proper question formulation, based on the officer's report, is critical to a successful polygraph examination. Therefore, polygraph examinations are intended to complement, not act as a substitute for a thorough investigation.

610.2 POLICY

It is the policy of the Appleton Police Department to use all proven legal methods to prevent and solve crimes, consistent with budget limitations. To that end, polygraph examinations are available within certain cost/benefit parameters.

610.3 DEFINITIONS

Polygraph Examiner - One who is a graduate of a course of instruction recognized by the American Polygraph Association, has successfully completed an A.P.A. internship, and has demonstrated continuing professional improvement.

610.4 RESPONSIBILITIES OF REQUESTING OFFICER

During the course of an investigation, the investigating officer may request that a polygraph examination be conducted when truthfulness is at issue.

The request for a polygraph examination shall be directed to the Investigative Services Lieutenant.

Whenever possible, an investigating officer should withhold specific information from the subject to be examined which is only known to the victim, investigator, examiner or a person with guilty knowledge. Examples might be the caliber of a weapon, spoken words, points of entry, items taken, or any piece of information that would not be common knowledge to a person not connected to the offense.

The investigating officer should emphasize that the polygraph is effective in establishing the truth. Confidence should be expressed in both accuracy of the procedure and impartiality of the examiner. The polygraph should never be used as a threat, as this can actually hinder the examiner's effectiveness since voluntary cooperation is required on the part of the person to be examined.

Officers shall never assume that a person is deceptive solely on the basis of refusing to take the test, nor that a person is truthful simply because they consent to be tested.

Written consent must be obtained from all subjects to be examined. In the case of a juvenile, written consent from a parent or guardian is required, in addition to the juvenile's written consent, prior to the examination.

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The investigating officer, or their designee, shall have custodial responsibility for any subject under arrest before, during and after the polygraph examination.

The investigating officer shall bring the subject to the examiner and remain available to the examiner throughout the examination, unless otherwise excused by the examiner.

The officer shall notify the examiner immediately upon learning of a cancellation.

610.5 RESPONSIBILITY OF POLYGRAPH EXAMINER

The polygraph examiner shall exercise sole judgment in determining if the person to be examined is a fit subject for a polygraph examination.

The examiner shall provide the investigating officer with information to help him/her prepare the subject for the test appointment.

The examiner shall set the date and time of the examination.

The examiner shall obtain the written consent of the subject.

The examiner shall determine the issue(s) to be explored and all questions to be asked.

The examiner shall provide a report, documenting the results of the examination.

The examiner shall inform the test subject upon completion of the test that the examination is over.

610.6 RESTRICTIONS ON POLYGRAPH EXAMINATIONS

No examination will be given to:

(a) A person without written consent

(b) A juvenile without written consent of a parent or guardian

(c) A pregnant woman

(d) A person suffering from a serious medical condition or heart condition, without written consent from a physician.

(e) A person who is impeded by a language barrier, existing between the examiner and subject – An interpreter may be used to overcome this barrier but only with the consent of the examinee and if approved by the examiner. The interpreter must be impartial.

(f) Any other person whom the examiner feels is not suitable for the examination.

(g) Any person identified per s. 968.265 who reports to law enforcement officer that he or she was the victim of an offense under s. 940.22(2), 940.225, 948.02(1) or (2), or 948.085(Lie Detector Tests; Sexual Assault Victims)

If a polygraph is requested in a matter involving a member of the Appleton Police Department, an examiner from an outside agency, whose qualifications meet the approval of the Chief of Police, will be utilized to conduct the examination of all principals involved. This will only be done with the approval of the Chief of Police and test results will be provided by the examiner only to the Chief of Police for any action the Chief of Police deems appropriate.

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The entire examination shall be video and audibly recorded if the test is completed at the Appleton Police Department.

610.7 PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS

The Appleton Police Department may utilize a polygraph examination as one aspect of the hiring process and the results shall be weighted accordingly.

No person shall be subjected to a pre-employment polygraph examination without first consenting to the test in writing.

All state and federal laws that apply to the use of pre-employment polygraph examinations shall be adhered to.

All applicants who submit to a polygraph examination shall be informed, both orally and in writing, of the following:

(a) Any questions to be asked during the test will be reviewed with the applicant prior to the examination.

(b) The department reserves the right to ask relevant questions deemed necessary to assess, as accurately as possible, the applicant's suitability as a police officer.

(c) Notwithstanding "b.", no questions will be asked regarding sexual preference, religious affiliation or beliefs, marital relationships, political affiliation or beliefs, or labor union activities.

(d) The applicant will be informed of the test results and offered an opportunity to explain any questioned responses, be re-examined or both. If subsequent responses, or the re-examination, clarify the questioned response, the results of the initial test question shall not be reported further.

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Forensic Genetic Genealogy

611.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

611.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

611.2 POLICY

The Appleton Police Department's use of FGG will be in coordination with prosecutors, the Medical Examiner and/or County Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable

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steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

611.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

611.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner and/or County Coroner.

611.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

611.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

611.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

611.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Medical Examiner and/or County Coroner for an amendment to a certificate of death.

611.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

611.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Forensic Evidence Specialist and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

612.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

612.2 POLICY

It is the policy of the Appleton Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

612.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

612.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

(a) Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:

1. A process for submitting and assessing officer requests to use FRT.
2. Requirements related to processing and reviewing results generated from the use of FRT.

(b) Establishing procedures for collecting, processing, and storing FRT data.

(c) Establishing procedures for access and security controls for department FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

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(d) Establishing a procedure for submitting images to the image database. The procedure should include:

1. A requirement that officers submit images.
2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).

(e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).

(f) Conducting periodic audits of department FRT use.

1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.

(g) Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.

(h) Coordinating with the Support Services Lieutenant to develop, identify, and update FRT training for officers who utilize the FRT system.

(i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.

(j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.

(k) Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

612.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)

(c) Deceased individuals

(d) Individuals who are incapacitated or do not know their identities

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)

(f) Suspects in unsolved crimes

(g) Missing or endangered persons

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose

612.6 ACCESS TO FRT

Only officers authorized by the Department may use FRT.

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Prior to using FRT, an officer seeking authorization shall submit a request to the ISU Lieutenant.

The request should, at a minimum, include the following:

(a) The nature of the investigation

(b) The reason an officer believes that FRT use is necessary

(c) An explanation of how FRT may assist with the development of investigative leads

(d) A case identification number

612.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

612.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

612.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting officer's name and position.

(b) Confirmation that the search was pre-approved pursuant to department procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

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612.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

612.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

612.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

612.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

612.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

(a) Capabilities and limitations of FRT

(b) FRT system functions and interpretation of results

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(c) Data security and privacy concerns

(d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)

(e) Digital media handling and protections

(f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)

(g) Principles of comparison

(h) Cognitive bias, confirmation bias, implicit bias, and automation bias

(i) Applicable policy, procedure, and federal and state law requirements

An officer who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented on the Equipment Checklist. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

Equipment listed in the uniform regulations policy purchased at the employee’s expense do not require supervisor authorization. Law enforcement equipment purchased at the employee’s expense not listed within the uniform regulations policy would require supervisor authorization. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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700.3.1 DEFINITIONS
Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made to the Fiscal Resources Manager.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) Written documentation shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to personal property or property belonging to the City of Appleton, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to their immediate supervisor as reasonably soon as circumstances permit. The employee shall submit written documentation before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Assistant Chief and the Human Resources Department, if applicable.

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Personal Communication Devices

701.1 POLICY

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

Please refer to the City of Appleton policy entitled Electronic Communication Policy.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, (APD Form #063) or an email, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or in need of repair.

(a) If the operator is on-duty, the supervisor will take steps to place the officer back in service in the most expeditious manner possible.

(b) If the operator is off-duty, the supervisor will make arrangements to deliver the vehicle to the appropriate service facility and assist the officer in reaching his or her destination.

(c) Attending to unanticipated mechanical failures while off duty does not constitute the performance of a police function and will not qualify an officer for compensation should the malfunction result in the expenditure of an officer’s personal time.

(d) Time spent completing a police function beyond the conclusion of an officer’s shift will be compensated if that time is extended as a result of an unanticipated mechanical failure.

Personnel authorized by the CEA shall perform most maintenance on department vehicles. Officers will be permitted to perform simple maintenance such as adding oil or other fluids, changing light bulbs or fuses, and changing or inflating tires. Officers shall refrain from the following;

(a) Performing any major mechanical work on the car.

(b) Altering the body, general design, appearance, markings, or mechanical or electrical system.

(c) Adding any accessories or equipment without prior approval from the Assistant Chief.

It is the responsibility of assigned officers to arrange for, and ensure the completion of, regular maintenance. All periodic vehicle maintenance; e.g., oil changes, tire rotation, tune-ups, brake replacement, etc., shall be performed during the assigned officer’s off-duty hours or in a manner that does not result in the officer being taken out of service.

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702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE
Vehicles that may have suffered damage affecting their functionality, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION
Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS
All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for outside maintenance, service or repair.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- Road flares
- 1 roll crime scene barricade tape
- 1 red trauma kit containing a sheers, 2 S-fold dressings, a tourniquet, and 4mg Narcan nasal spray.
- 3 traffic cones
- 1 fire extinguisher
- Supplies enabling the officer to investigate and document complaints, crashes, traffic matters, emergency situations, etc.
- Siren
- Mobile Radio
- PBT

702.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle shall ensure that the following equipment, at a minimum, is in the vehicle:

- 1 fire extinguisher
- 3 traffic cones

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- Emergency Lights and Siren
- Mobile Radio
- 1 spare tire, jack, and lug wrench

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Appleton to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 DEFINITIONS

Intensive Use Vehicle - A vehicle assigned to the general fleet and available for use by employees engaged in police department business.

One-to-one program - A program in which a predetermined number of department vehicles are issued to officers for their primary use. In addition to official use, the program permits officers to take their assigned vehicles home during their off hours and provides for limited personal use of the vehicles.

One-to-one Vehicle - A department vehicle assigned to the one-to-one fleet and in the possession of a participating officer.

703.3 POLICY

The Appleton Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

(a) All vehicles in the police department fleet are owned by the City of Appleton's Central Equipment Agency (CEA).

(b) Vehicles shall be leased to the Police Department by CEA.

(c) All department vehicles shall be maintained in accordance with guidelines established by the Police Department and the CEA.

703.4 USE OF VEHICLES

703.4.1 SHIFT ASSIGNED VEHICLES

The Patrol Lieutenant shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.4.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify a Lieutenant

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if such use could interfere with the vehicle's assigned use. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.4.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

The only time an officer may leave keys in an APD squad car while it is running, unattended and locked, is when any of the following apply:

(a) An officer is engaged in a call for service that requires the emergency lighting of the squad car to be lit and to avoid the squad car battery from being drained.

(b) An officer needs to make brief stops (generally 15 minutes or less) at the Department during severe cold (below 10 degrees). If the stop is going to be longer than 15 minutes and weather is severe, the squad should be secured in the enclosed parking deck.

(c) An officer is actively engaged in an investigation requiring traffic/scene control. If a squad is left unattended due to an active investigation, the officer must ensure that it is locked.

(d) An APD supervisor authorizes it.

Members shall ensure all weapons are secured while the vehicle is unattended.

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703.4.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.4.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require supervisory approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.4.7 KEYS

Members approved to operate marked patrol vehicles should be given access to the key as part of their initial equipment distribution. Members who are assigned a one-to-one vehicle should be issued keys for that vehicle. The keys for intensive use vehicles shall be kept on the board in the equipment room when not in use. Officers shall not keep the keys between shifts even if there are not any other apparent scheduled users. The vehicles and their keys must be available for other purposes when not being used as originally assigned.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.4.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.4.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work), nor will the vehicles be used, such as when off-duty in a one-to-one, when patronizing an establishment whose primary business is the sale of intoxicants. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.4.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

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Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls designated to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.4.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Assistant Chief.

703.4.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform their regular assignment.

703.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.5.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Appleton City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

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703.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Appleton is a requirement for assignment of a take-home vehicle. The Assistant Chief, Captains, Investigative Unit Lieutenants (ISU, SRO, SIU, CRU), and Canine officers must live within a 25 mile radius of the city to be eligible for a one-to-one squad. Members who reside outside the City of Appleton will be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall agree to certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home (one-to-one) vehicles include the following:

(a) The Assistant Chief (or designee) shall administer the one-to-one vehicle program.

(b) Participation in the program shall be voluntary.

(c) Eligibility requirements for participation include the following:

  (a) Officer's primary assignment shall be in a police district as a uniformed officer.

  (b) Officer must reside within the corporate city limits.

  (c) Officer must have successfully completed their probationary period.

  (d) Officer must have achieved a successful rating on most recent performance evaluation.

(d) A commander, who resides within the corporate city limits, is automatically eligible for the next available one-to-one vehicle once they have been assigned to a district.

- POINT SYSTEM FOR ONE-TO-ONE SYSTEM PROCEDURE

(e) Vehicles shall be used for work-related purposes but may be used for personal errands or transports outlined in this policy.

(f) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(g) While operating the vehicle, authorized members will carry and have accessible their duty firearm, badge and identification, handcuffs or flex-cuffs, note taking material, and be prepared to perform any function they would be expected to perform while on-duty.

(h) The two-way communications radio must be on and set to an audible volume when the vehicle is in operation.

(i) Unattended vehicles are to be locked and secured at all times.

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1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended. They may remain in approved mounts or locked in the trunk.
3. All department identification, portable radios and equipment should be secured.

(j) Vehicles are to be parked near the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. Officers shall comply with all parking regulations. Marked police vehicles may be parked on the street between the hours of 2:00 AM and 5:00 AM. The exception to the above parking regulations is when the Department of Public Works has a scheduled seasonal street clean-up, e.g., snow removal, leaf collection, or other scheduled clean-up or construction project. During these periods officers must park their one-to-one vehicles at a location other than on the street. (see the Firearms Policy regarding safe storage of firearms at home).

(k) Vehicles are to be secured at the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods of 3 consecutive work days or more. The assigned officer may provide his/her one-to-one vehicle to another officer during the absence with the approval of each officer's district commander.

1. Officers who are on vacation but remain in the City may retain the use of their one-to-one squads. Notification of this intent must be made to the officer's district commander.
2. When the assigned officer is on extended leave or modified duty, the one-to-one vehicle may be temporarily reassigned.

(l) The member is responsible for the care and maintenance of the vehicle.

(m) Only Appleton police personnel are permitted to operate the one-to-one vehicle, except that a duly licensed family member may move the vehicle into and out of the driveway at their residence.

(n) All policies, procedures, rules, and regulations of the Appleton Police Department shall apply to officers operating one-to-one vehicles off-duty.

(o) When operating the vehicle off-duty, officers shall presume no special privileges. Officers shall comply with all traffic and parking regulations.

(p) Officers are expected to take action on police matters they encounter while operating in an off-duty capacity. In minor situations, the off-duty officer shall handle the matter. In situations of a more complex nature, the off-duty officer may request to be relieved by an on-duty officer. Off-duty officers shall exercise discretion with respect to their involvement in police matters while transporting non-police passengers.

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703.5.4 GENERAL GUIDELINES FOR TAKE-HOME (ONE-TO-ONE) VEHICLES

(a) Officers shall not be compensated for situations they become involved in while operating the one-to-one vehicle off-duty unless such involvement goes beyond two hours. If such involvement goes beyond two hours, officers will be compensated for time spent beyond two hours.

(b) The department reserves the right to suspend the privilege of a one-to-one vehicle for cause; e.g., failure to abide by one-to-one guidelines, failure to maintain adequate performance evaluation ratings, etc.

1. The Assistant Chief shall have the authority to reassign one-to-one vehicles to balance work groups.

(c) Non-department members may ride as passengers in the one-to-one vehicle when it is operated off-duty. Assigned officers are responsible for the actions of all passengers.

(d) Off-duty use of a one-to-one vehicle shall be limited by area. The permissible area of operation includes all of the area within the corporate limits of Appleton unless otherwise provided. Included outside of the city limits (See below link to the map):

- West - U.S. 41 – Officers may not operate west of U.S. 41.
- North - U.S. 41 to Cty A, north to JJ, east to Hwy 47, north to Broadway, east to Holland Rd and to include the Purdy annexation.
- East – Holland Rd. to Cty OO, west to French Road, south on French Rd. to the river, Hwy 441 to CE, east on CE to Eisenhower. South on Eisenhower to Calumet, east to North Coop Rd., south to Manitowoc Rd., west on Manitowoc Rd. to Lake Park, south on Lake Park to Hwy 114.
- South - Hwy 114 to S. Oneida north to Midway west to 441/10 to US 41.
- One-to-one Vehicle Restricted Area Map

(e) The one-to-one vehicle may not be used in the course of secondary employment, though it may be used as transportation to and from a second job.

(f) The one-to-one vehicle, while operated in an off-duty capacity, will not be utilized for carrying heavy or excessive loads and will not have objects protruding from the trunk or windows. Animals or pets shall not be transported in the vehicle.

(g) The Assistant Chief (or designee) shall issue unmarked one-to-one vehicles. Usage of the unmarked one-to-one vehicles is subject to the same policies set forth for the marked one-to-one squads absent the following exceptions:

1. The Chief of Police vehicle usage will be determined by the Mayor.
2. The Chief of Police will establish the Assistant Chief's vehicle usage.
3. Captains shall have 24/7 command of their districts/units and will be eligible for an unmarked one-to-one vehicle assignment. Off-duty usage in this context will be restricted to 25 miles from the border of Appleton – subject to restrictions in section 4 below. Appendix A (25 Mile Radius Map)
4. City policy, in accordance with IRS code, requires employees to report personal use of city vehicles to the Finance Department for calculation of taxable benefit.

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One-to-one vehicle users of marked cars are exempt from this requirement and the IRS code does not attach taxable benefit to off-duty use of marked squads.

5. One-to-one users of unmarked cars who only operate off-duty within the approved boundaries are similarly exempt from this requirement. One-to-one vehicle users who have prior permission or fall under separate policy (e.g. Chief, Assistant Chief) to operate beyond the boundaries while off-duty are subject to the city policy requirement of reporting personal miles, for all miles outside the boundary.

703.5.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Appleton Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued badge and identification and note taking materials. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.5.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that their assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) All weapons shall be removed from any vehicle left for maintenance, except that weapons assigned to the vehicle may stay in approved mounts if maintenance is being performed by the CEA mechanic assigned to the Department. All weapons shall be removed if the maintenance is taking place at MSB or at an outside vendor.

(f) Twice a year supervisors shall make inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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703.6 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Lieutenant in charge of the unit.

703.7 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum or email format and forwarded to the Assistant Chief. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Department vehicles are not to be used to push or pull other vehicles, whether department or civilian. Department vehicles may be used to jump-start other department vehicles, provided proper safety procedures are followed.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.9 SPECIAL PURPOSE VEHICLES

703.9.1 MOBILE COMMAND POST

The mobile command post is shared with the Outagamike County Sheriff's Office, and is stored at their facility. Please refer to the MOU for specifics.

The mobile command post serves two primary functions. Foremost, it is a vehicle that is equipped to serve as a command center at the scene of a major operation or event being conducted by the Police Department or some other city agency. Additionally, the mobile command post may be used for transporting personnel and equipment to the scene of an operation or event.

The vehicle shall not be used as a general patrol vehicle, nor shall it be used for the purpose of transporting prisoners.

Any unit of the Police Department may use the mobile command post with a need for establishing a mobile command center.

The Mobile Command Post must be under the immediate control of a police department representative at all times. Officers operating and setting it up should receive training on the vehicle's unique features prior to using it.

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The Assistant Chief approves requests for the use of the Mobile Command Post by other city departments. In the absence of the Assistant Chief, a district captain may authorize the use of the vehicle.

The following represent some of the situations for which the Mobile Command Post may be utilized.

(a) Tactical emergencies
(b) Major crime/investigation scenes
(c) Police Department training events
(d) Civil disturbances
(e) Major civic events requiring police presence
(f) Major fire scenes
(g) Other unusual occurrences

In addition to keys assigned to the SWAT Team, one set is kept in the key control box.

The SWAT Team Commander is responsible for ensuring the operational condition of the mobile command post. A member of the SWAT Team will keep an inventory of the equipment kept in the vehicle.

703.9.2 SURVEILLANCE VEHICLES

Surveillance vehicles are unmarked vehicles that are not identifiable as police vehicles and are intended to be used for covert intelligence gathering operations.

Surveillance vehicles will allow several officers to conduct covert surveillance operations from inside the vehicle with equipment such as cameras, listening devices, etc.

Due to the lack of emergency equipment, surveillance vehicles shall never be used in a pursuit. Surveillance vehicles shall be used for covert intelligence gathering operations only. Use of these vehicles should be limited, to prevent their identification as police vehicles. A supervisor must approve the use of surveillance vehicles for any other purpose.

Uniformed officers will not operate the surveillance vehicles, unless authorized by a supervisor for exigent circumstances.

Surveillance vehicles shall not be used as a general patrol vehicle, nor shall they be used for the purpose of transporting prisoners.

Keys for the surveillance vehicles, including the van, are kept on the vehicle board in SIU.

Surveillance vehicles will be maintained by the units to which they are assigned.

Officers authorized to use surveillance vehicles are responsible for care of the assigned vehicle.

Surveillance vehicles do not contain any special equipment. They are not equipped with any emergency lights, sirens, radios, or other emergency equipment.

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703.9.3 SWAT EQUIPMENT VEHICLE

The primary function of the SWAT equipment vehicle is to serve as a mobile storage unit for tactical equipment for use in the field.

Because of the contents stored in the vehicle, it shall not be used for general patrol. Any officer seeking to use the vehicle shall seek permission from a supervisor. The SWAT commander or assistant commander should be notified prior to its use if possible.

Prisoners shall not be transported in the vehicle.

Given the equipment contained in the vehicle, it shall not be used in vehicle pursuits.

Spare keys are held on the key board in the supply room (for immediate patrol availability) and in the key control box.

Per ATF Rule 2012-4, federal regulations require that the noise/flash diversionary devices (NFDDs) stored in the vehicle be maintained appropriately.

Other chemical munitions contained in the vehicle require that the vehicle be stored in a temperature-controlled environment as much as possible.

Given the above considerations, the vehicle shall be housed inside the sally port with the vehicle doors locked when not in use. The munitions magazine (steel container) contained in the vehicle to hold the NFDDs and chemical munitions shall have a padlock affixed and locked at all times when not in use.

The magazine must be inspected every 7 days. This inspection need not be an inventory but must be sufficient to determine whether there has been any unauthorized entry or attempted entry into the magazine or unauthorized removal of the contents of the magazine.

All explosive actuated tactical devices (EATDs) – NFDDs and chemical munitions – contained in response vehicles must be inventoried annually.

703.9.4 SWAT RESCUE VEHICLE (RV)

The primary function of the RV is to be used when and where conventional vehicles would fail or expose the occupants to a higher risk.

The RV is specifically designed for insertion and extraction of SWAT or other personnel during high risk events.

The RV is also intended for use during and after man-made or natural disasters such as high-water rescue, tornado, snow emergencies etc.

At the discretion of the Chief of Police, the RV may be used as a public education tool such as citizens' academy or vehicle display.

The RV coordinator shall maintain a list of personnel who have received training in the operation of the RV.

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Unless under extreme circumstances, the RV shall only be operated by trained personnel. Two people, an operator and an observer, must be in the vehicle at all times while it is operation.

Trained personnel shall receive bi-annual instruction and conduct monthly training drives.

The RV shall be stored at the Outagamie County Sheriff's Office at 3030 E. Goodland Dr. It can also be staged at alternative locations for preplanned deployments.

The RV shall undergo a yearly maintenance check conducted by a City of Appleton mechanic.

The RV shall utilize diesel fuel provided by the Outagamie County Sheriff's Office.

703.9.5 UTILITY TERRAIN VEHICLE (UTV)

The UTV is ideal for special events because of its mobility and capacity to reach places not accessible by car. It also has unique patrol applications because of its ability to allow officers to reach isolated locations such as parks and trails.

Absent exceptional circumstances, the UTV should not be used to transport prisoners.

Officers and CSOs utilizing the UTV for general patrol should notify a supervisor before using it. The vehicle will generally not be used for street patrol but may be used for patrolling unique locations that are not accessible by car. While equipped with emergency lighting, the UTV shall not be used in vehicle pursuits.

Anyone born on or after January 1, 1988 is required to complete a UTV course through the DNR in order to operate the vehicle. Safety certification is obtained by completing a classroom course or an approved internet course.

The UTV may be driven on roadways to get to and from patrol locations. Wis. Stat. 23.33(4) allows operation of the UTV on roadways when the operation is related to "the functions of the municipality." UTVs used for enforcement and emergency purposes are exempt from registration requirements per Wis. Stat. 23.33(2)(b)(4).

The headlights and yellow strobe lights should be on whenever the vehicle is being operated unless the necessities of the assignment dictate otherwise. Passengers shall wear seatbelts when the vehicle is moving unless the circumstances make seatbelt use impractical or unreasonable.

The UTV will be maintained by the Operations Coordinator.

Officers and CSOs authorized to use the UTV are responsible for the care of the vehicle.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Appleton Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Fiscal Resource Manager is the fund manager responsible for maintaining and managing the petty cash fund.

The petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of receipts, cash transfer forms and expense reports by the fund manager.

All money collected at the Front Desk shall be processed through the cash register per the Finance Cash Balancing Procedures.

Certain funds (i.e., court ordered restitutions, grants, and officer witness fees) that are not processed through the case register, are collected by the Fiscal Resources Manager and forwarded to the front desk to process.

704.4 PETTY CASH TRANSACTIONS

A department contingency fund is maintained by the Fiscal Resource Manager and is intended to cover incidental purchases or expenditures necessary for the support of routine or emergency department activities, as well as the furtherance of an investigation or to provide monetary support to an investigation.

As funds are dispersed from this contingency account, supplemental funds may be requested from the City Finance Department, This request shall be accompanied by a description of the expenditures necessitating supplemental funds. The description of expenditures shall permit the Finance Department to draw supplemental funds from the appropriate budget accounts.

704.5 PETTY CASH AUDITS

The City Finance Department shall perform an audit of the petty cash funds at their discretion. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

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704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling duties shall, as soon as reasonably practicable, verify the amount, summon another member to verify their accounting, and process the cash as safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

Also consider reviewing the City of Appleton Respirator Protection Policy.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Appleton Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Safety and Health Program Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

705.5 EYE PROTECTION

Approved eye protection shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection

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that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

705.7 RESPIRATORY PROTECTION

The Chief of Police or their designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Wis. Stat. § 101.055, Wis. Admin. Code § SPS 332.50):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

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(a) It is necessary for the member to wash their face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.7.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Wis. Stat. § 101.055, Wis. Admin. Code § SPS 332.50).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional. These appointments are scheduled with Thedacare At Work.

705.8 RECORDS

The City of Appleton Human Resources Department is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

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705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

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Facility Control, Maintenance, and Use of Department Equipment

706.1 PURPOSE

The purpose of this policy is to establish guidelines for the control, use, and maintenance of department owned equipment and facilities.

706.2 POLICY

The Appleton Police Department shall operate under a system of accountability regarding department facilities and equipment that ensures the safety of all personnel and the proper care and maintenance of all department owned property.

706.3 GENERAL BUILDING SECURITY

All exterior doors, with the exception of the lobby entrance, shall be closed and locked unless directly controlled by a department employee. The lobby entrance doors will be locked every night from 7:00 PM to 7:00 AM and all day on Saturday, Sunday, and holidays. An intercom is available for visitors to contact the front desk and a vestibule phone connects directly with the Outagamie County Communications Center.

Interior doors providing access to areas of the building, not open to the public, shall remain closed and locked at all times unless under the direct control of a department employee, or unless prohibited by law.

(a) An employee who needs a replacement key or a change in building access must submit a written request to the Assistant to the Chief with an explanation for the request.

(b) Employees may be charged for replacement keys if the keys are not lost while on duty.

706.3.1 LOBBY SECURITY

The PCS's shall be responsible for monitoring the actions of individuals in the lobby.

The PCS's shall report any suspicious activity occurring in the lobby to the Communications Center or an Appleton Police Department officer, so that officers may be assigned to investigate or intervene as necessary.

706.3.2 VISITOR IDENTIFICATION SYSTEM

The visitor identification system is designed to identify all visitors who enter the secure area of the department and are not under the direct supervision of an employee.

The meeting rooms in the lower level and the lobby of the department shall not be considered part of the secure area of the department when administering the visitor identification procedures.

All visitors to the Appleton Police Department who need to enter the inner perimeter of the department, but are not personally escorted by a department employee, must register at the front

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desk, with the exclusion of City of Appleton personnel who have been granted access to the building by the Chief or the Administrative Services Manager.

(a) The service desk will maintain a sign-in log to account for all visitors.

(b) The log will reflect the visitor's name, date, pass number, contact employee at the department, and the time in and time out.

The PCS's shall complete the log entry for each visitor, notify the department contact that the visitor has arrived, and issue an identification badge in the absence of a City-issued identification card.

The department employee sponsoring the visitor will ensure an identification badge is issued and will be responsible for the prompt return of the badge to the service desk when the visit ends.

A visitor identification badge is issued to visitors with a need to conduct business within the secure area of the department. Examples of those persons for whom an ID badge would be appropriate include:

(a) Repairmen conducting business at the department

(b) Contracted service providers

(c) Maintenance personnel

(d) Interns

(e) Social workers/Juvenile Intake workers

(f) Vendors

(g) Temporary part-time employees

All personnel not wearing an approved City of Appleton uniform must prominently wear or display their City of Appleton identification card. The card must be displayed on their outermost piece of clothing while conducting business as a City of Appleton employee in all City of Appleton facilities. Volunteers and VCR's are required to wear a visitor badge and temporary part-time employees are required to wear an employee identification card when they are unescorted in the secured areas of the Appleton Police Department.

To accommodate those people who conduct business at the department on a frequent basis, the Assistant Chief may evaluate and maintain a list of names of people who have been "pre-approved" as visitors. The list will be kept at the front desk and reviewed annually by the Assistant Chief.

(a) Those department employees who wish to have the name of a frequent visitor on the "pre-approved" list should submit a written memorandum to the Assistant Chief explaining the request.

706.3.3 EXCEPTIONS TO THE VISITOR IDENTIFICATION PROCEDURES

(a) Groups of citizens visiting the department as a part of a tour group do not need a badge if they are under the direction and control of a department employee.

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(b) Prisoners shall remain under the immediate control of an officer and shall not be issued a visitor badge.

(c) Officers and civilians are not required to obtain visitor badges for citizens who are part of an investigation or are simply visiting the department as long as the citizen remains under the immediate control of the APD employee.

(d) Citizens using the meeting rooms in the lower level are not required to wear an identification badge.

(e) Any person who is considered a security risk must be under the direct control of a police officer. Those persons who are considered a security risk will not be issued a visitor badge.

706.3.4 POLICE EXPLORER ACCESS TO THE BUILDING

Police Cadets shall be escorted by an Cadet Advisor or other sworn officer, while in restricted areas of the police department. This includes any area outside of our lower level training rooms. To gain access to the meeting rooms and/or restricted areas of the department, the following procedures shall be followed:

(a) Police Cadets shall gather in the front lobby of the APD until a Cadet Advisor arrives or directs the explorers to a specific location within the building. After the group is escorted to the room, any later arrivals can be directed to the location of the group.

(b) If a Cadet Advisor will not be available to escort the Cadets, it shall be their responsibility to contact the On-Duty Supervisor to request permission for access.

(c) Upon supervisory approval, the Advisor shall contact the Front Desk to advise how many Cadets will be in the building (this is only when the Advisor is not going to be present).

(d) The Front Desk shall issue one visitor pass for the entire group of Cadets (each Cadet should sign in; however).

(e) The Supervisor who authorized access shall be responsible for checking on the Cadets while they are in the meeting rooms.

(f) The Cadets are to remain in the training rooms, unless accompanied by a sworn officer to an otherwise restricted area of the department, e.g., Employee Break Room.

(g) Once the meeting/event is completed, the Police Cadets shall return to the Front Desk to sign out and return the visitor pass. If the supervisor is not present at the time of departure, they shall be notified that the Cadets have left the building.

706.4 NOTIFICATION OF SECURITY VIOLATIONS

It is the responsibility of all Appleton Police Department employees to ensure that all visitors in the police building are properly identified.

If an employee finds a non-employee in the secure area of the building without the proper visitor badge, or conducting business that does not appear to be consistent with the scope of a visitor's authority, that employee shall identify the visitor and inquire into the visitor's actions.

Violations shall be reported to a supervisor.

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706.5 BUILDING TOURS

The Assistant to the Chief is responsible for scheduling group tours of the police department.

Police volunteers and Community Service Officers are responsible for conducting group tours. Group size of tours may be limited based upon the age group of the tour and/or the number of guides available.

Requests made by individuals, or walk-in requests, will be handled by an on-duty supervisor.

Requests made by other law enforcement officers for tours will be referred to an on-duty supervisor.

In conjunction with job assignments, police employees may conduct building tours without scheduling them through the Assistant to the Chief.

No tours shall be conducted in the Special Investigations Unit area.

706.6 PARKING

General Parking Lot Use

All parking spaces are to be used for police business only.

All parking is “first come, first served” and in accordance with any posted signage.

Specific Space Assignments

Two (2) spaces in the southwest corner of the parking lot, south of the building, are designated and signed as “Handicapped Parking”.

The lower level of the parking deck is a secured area and only Appleton Police Department vehicles, or civilian vehicles designated by the Administrative Services Manager, are allowed to park in that area.

The upper level deck is for Appleton Police Department general employee parking. In general, APD owned vehicles should not be parked on the upper deck, Monday through Friday between 0600 and 1700 hours.

The parking lot south of the building is for citizens conducting business at the APD and for officers making brief stops at the station.

Restricted Areas

Parking will be prohibited in front of the following doors:

1. Maintenance bays
2. Sally port entrance or exit doors
3. Vehicle impound doors
4. SWAT garage door

Short Term Parking

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If an employee operating a city vehicle is at the police department for a short time period, his or her vehicle should be parked on the street. (City vehicles are allowed to park at non-red meters on Eighth, Lawrence or Walnut Streets, free for one hour). Examples of this would be:

1. Officers attending meetings.
2. SRO cars while at the police department for a short time.
3. Officers using the fitness center.

Personal Vehicle Parking for Out of City Training

Employees who attend meetings, seminars, training sessions, conferences, etc., that involve overnight stays, are permitted to leave their personal vehicles on the upper level of the parking deck. The keys to the vehicle must be left with the Communications Unit in order to allow for removal of the car if snow plowing or maintenance work to the area needs to be performed.

Enforcement

Supervisors are responsible for the enforcement of parking guidelines.

706.7 GENERAL BUILDING GUIDELINES

Use of tobacco (including chewing tobacco) and alcohol products is prohibited in the police building.

Employees identifying facilities defects requiring maintenance or repair shall convey this information to the Administrative Services Manager.

Safety inspections of the facilities shall be conducted as required by City policy and coordinated by the department Safety Committee.

Private offices and workstations shall be maintained in an orderly manner. Personal modifications to office/workstation decor must be reasonable and shall be approved by the Administrative Services Manager. Approval to hang anything on walls in the common areas of the building must be obtained from the Chief or their designee. No personal coffee pots, etc. at work stations.

Pets are prohibited in the building unless approved by the Chief of Police.

If the fire alarm sounds, all employees are to leave the building immediately through the nearest exit. Upon exiting from the building, employees are to assemble in front of the Justice Center (320 S. Walnut Street) to allow for a proper accounting of employees.

706.7.1 MEETING ROOMS

The department’s training activities and meetings will take precedence over any other agency’s use of the meeting rooms.

The meeting rooms in the lower level may be reserved by other city departments or agencies that partner with the Appleton Police Department for various reasons.

A reservation calendar for the meeting rooms is available on the computer network. The individual requesting a room shall make the reservation.

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706.7.2 FITNESS ROOM/EQUIPMENT

The fitness room is available 24 hours a day, seven days a week. Only those persons who have received prior instruction in its correct use should use the fitness equipment. Employees who have had no prior experience with the fitness equipment should contact the Fitness Coordinator for assistance.

The use of the equipment will be limited to the following persons or groups:

(a) Employees of the department who have authorized access to the building.

(b) Immediate family members of APD employees who are accompanied by an APD employee.

All persons using the exercise facilities do so at their own risk. No one should commence an exercise program without first checking with his or her physician.

706.7.3 INTERVIEW ROOMS

The Appleton Police Department has 11 rooms designated for interviews. Two rooms are located off of the front lobby, three are located in the Investigative Services Unit and six rooms are located in the booking room.

Interviews of a routine nature, e.g., talking with the media, concerned citizens, victims, complainants, etc., may be done in various locations within the Police Department, including offices, lobby, family room, etc.

If an officer believes that a routine interview is likely to turn into an interrogation and potentially lead to an arrest, the officer should make every effort to use one of the 11 designated interview rooms. If an officer believes that a routine interview could potentially turn volatile, he/she should use one of the six interview rooms located in the booking area.

When conducting an interview, officers shall adhere to the following guidelines:

(a) When conducting an interview the officer(s) shall have his/her firearm with him/her; with the exception of interviews taking place in the booking room. Prior to entering the booking room, all officers shall secure their firearms in the available lockers.

(b) Generally, no more than two officers shall be present in the interview; however, if it is deemed that a threat is imminent, additional officers may be positioned inside or immediately outside the interview room.

(c) To ensure the officer is able to communicate should the need for assistance arise, he/she shall have a radio and/or cell phone with them while conducting interviews. The emergency buttons that are located in the interview rooms can be used to summon assistance. When the button is depressed, an audible signal and visible strobe are activated, as well as a signal sent to the PCS's at the front desk.

(d) Subjects shall not be left in the room, unmonitored. If the officer conducting an interview needs to leave the room another officer shall be summoned to stand-by.

(e) The interview room shall contain the minimum equipment necessary to conduct an interview. A table and necessary seating shall be the only furniture present.

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(f) Reasonable efforts shall be made to accommodate a subject's request for a restroom, water or comfort break, provided that such a break does not pose an unreasonable risk to the safety of the officer, the subject or others in the vicinity.

(g) Officers shall be aware of the audio/visual recording capabilities in the interview rooms and shall adhere to the policy pertaining to taping of interviews. For the booking interview rooms, a wall-mounted switch in or near each of the interview rooms can be used to turn the recording system on or off. A red indicator light is illuminated when the recording system is on. All other interview rooms are motion activated.

706.8 GARAGE

Vehicle Maintenance

Vehicle maintenance garage bays are to be used by the mechanic or his temporary replacement, to repair and service department vehicles. No department employee may use the vehicle maintenance bays to service or repair personal vehicles.

Evidence Bays

Evidence bays 1 and 2 can be secured to facilitate impounding motor vehicles or for processing/ inventorying vehicles during times of inclement weather. Bay 1 shall be utilized first to allow continued access to bulk storage through bay 2. Bay 2 shall only be used if bay 1 is already occupied. Both bays should only be used for short term storage/processing. Long term storage will continue to be done at the impound yard at the Municipal Services Building (MSB).

When either bay is locked, the only persons having key access are the Chief of Police and the Evidence/Property Control Officers.

Bay 2 will contain lockers that shall be utilized for arson evidence. Hazardous or combustible/ explosive evidence shall continue to be held at impound as outlined in the policies entitled, Evidence – Collection and Preservation and Hazardous Materials Response.

706.9 DAAT TRAINING ROOM

The Defense and Arrest Tactics (DAAT) Training Room (hereafter "the room") is intended for conducting APD duty-related training and fitness-related activities. The room is available for use 24 hours-a-day/seven days a week (unless it is reserved for formal training). Members of other police agencies may utilize the room solely for the purpose of training with members of the APD and only upon completion of the DAAT Training Room Waiver for Members of Other Agencies (APD form #189) and the DAAT Training Room Indemnification Agreement for Other Agencies (APD form # 201). Training with members of other agencies requires the use of the room to be considered on-duty time. The training must be accompanied by a lesson plan and be led by a current LESB DAAT Instructor employed by the APD.

Prior to using the room, authorized users shall complete an online orientation to become familiar with the established guidelines on the use of, and cleaning of, the room.

Anyone using the room is prohibited from bringing the following items into the room unless authorized for specific training purposes:

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1. All firearms and ammunition
2. Pepper spray
3. Police baton
4. Tasers and cartridges
5. Sharp objects such as keys, knives, etc.

Duty belts can be worn, but caution shall be exercised. A self-check, followed by a partner-check, shall be completed to insure no live weapons or ammunition are on the duty belt before training begins and/or continues after a prolonged break.

The use of department-owned DAAT equipment (High Gear, Simunition equipment, etc.) is prohibited unless given prior authorization. This will also require the submission of a lesson plan detailing the training objectives.

On-Duty Solo Room Use

Use of the room for on-duty solo training is permitted under certain circumstances. Low impact body weight exercises such as yoga, pilates, general stretching or exercises similar to those required for mandatory officer fitness testing are allowed on-duty without a lesson plan or prior approval.

To be considered on-duty, the pre-authorized training needs to be done during an employee's typical work hours. Overtime and/or time-for-time is not authorized for solo training outside an employee's typical work hours.

Training focused strikes (palm, closed fist, elbow, knee, etc.) is not authorized for solo, on-duty training. The use of Simunition or other projectile training equipment is not allowed during on-duty or off-duty solo training drills and/or exercises.

Off-Duty Solo Room Use

The room may be used for off-duty solo training at the employee's risk. This includes low impact body weight exercises such as yoga, pilates, general stretching or exercises similar to those required for mandatory officer fitness testing. Training focused strikes is allowed; however, due to a higher risk of injury, a lesson plan and current LESB DAAT Instructor must be present for it to be considered on-duty training. Further, while training focused strikes, some type of glove or hand protection is recommended. This includes striking a heavy bag, wall mounted bag, or training dummy.

On-Duty Group Room Use

The room may be used for on-duty group training. However, to be considered on-duty, an approved lesson plan (APD 240) and an outline of material covered must be submitted. An attendance roster (APD 218) must be completed and provided to the Professional Development Coordinator. Exceptions to these requirements can be made with supervisory approval for training which is relatively low-risk to include techniques like searching persons and handcuffing.

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All approved on-duty group training conducted outside of an employee's typical work hours qualifies for time-for-time credit. The Professional Development Coordinator will work with the appropriate supervisor to insure employees are given the equivalent time off for hours spent in this training time.

Prior to using training weapons such as Simunition equipment, a lesson plan shall be submitted and approved by the Professional Development Coordinator. The use of projectiles with these weapons is strictly prohibited unless prior approval has been obtained for such training. Additionally, a DAAT Instructor and dedicated safety officer must be present at training involving projectile use.

Off-Duty Group Room Use

The room may be used for off-duty group training. However, employees participation in this training is at his/her own risk. Group training is considered off-duty when it is conducted without an approved lesson plan and without a LESB DAAT Instructor leading the training.

Training focused strikes (palm, closed fist, knee, elbow, etc.) is allowed. However, due to the increased risk of injury, a lesson plan and current LESB DAAT Instructor must be present for it to be considered on-duty training. In addition, hand protection while training focused strikes is recommended. This includes solo striking on a heavy or wall-mounted bag, or on a training dummy.

Any type of force-on-force training which includes focused strikes in not permitted during off-duty training.

706.9.1 DAAT TRAINING ROOM HOUSEKEEPING

Only clean athletic/tennis shoes, wrestling shoes, or socks are allowed in the room. Boots/hard soled shoes are prohibited. Watches and personal jewelry should be removed prior to training to protect against injury or damage to the items/flooring/equipment.

The room shall be cleaned and disinfected after each authorized training session.

Personal property or equipment shall not be left in the training room, unless prior authorization is received from the Professional Development Coordinator.

The room shall be used for training and exercising only. No horseplay is allowed.

Any damage to the floor surfaces or other equipment in the room shall be reported to a supervisor immediately.

706.10 STAFF CONFERENCE ROOM

The staff conference room is available to any employee needing to conduct a meeting.

All groups that wish to use the room should make scheduling arrangements with the Assistant to the Chief.

706.11 RECORDS AREA

The Records Unit is the central repository for the department's records.

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Access to this area shall be restricted to persons employed by the department and APD volunteers approved by the Administrative Services Manager.

706.12 STAFF LOUNGE

The staff lounge is available for all employees or authorized persons for meal and fatigue breaks.

Snacks and beverages in the staff lounge are provided by the APBA and are available for purchase on the honor system. The department is not responsible for these items or the money exchanged for the items.

Canteen also provides additional refreshments for purchase.

706.13 DEPARTMENT OWNED PROPERTY

The responsible use of department resources shall be a concern shared by all employees. Each employee is responsible for the property issued to him or her.

Any employee who damages department equipment or discovers equipment that has been damaged should submit written notification to a supervisor or to the person responsible for the item.

(a) Damage/defects shall be reported by submitting a Vehicle/Equipment Service Record form (APD Form #063)

(b) Damage/defects requiring lengthy explanation shall be reported via interoffice memorandum or e-mail.

(c) Damage requiring immediate attention should be reported in person to a supervisor.

Department property that has not been issued to an employee, but will be used for APD events, shall not be removed from the building without the consent of a member of the command staff, the Administrative Services Manager, or the Fiscal Resources Manager.

Those pieces of equipment that have been assigned to individual units may be used with the approval of a unit supervisor.

No department property may be removed from the department and used for personal use.

706.14 ASSET MANAGEMENT FUNCTION

The asset management function of the department shall be the responsibility of the Assistant Chief.

The asset management function related to equipment/property owned by another City department and leased by the police department will be conducted in accordance with the policies of the department owning the property.

Department personnel with oversight responsibility for organizational functions utilizing specific equipment/property will be designated to assist the Assistant Chief with asset management duties.

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Facility Control, Maintenance, and Use of Department Equipment

The acquisition or disposal of any agency-owned property shall be channeled through the office of the Administrative Services Supervisor or the Fiscal Resources Manager to ensure the transaction complies with City fiscal policies and is properly documented in the appropriate inventory.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to the following:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch (CAD) data
- Office of Justice Assistance - Statistical Analysis Center
- Record Management System

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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The Communications Center

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Appleton Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance, in conjunction with the Outagamie County Sheriff's Department Communications Center.

The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

The Outagamie County Sheriff's Department operates the Communications Center.

801.3 DEFINITIONS

Outagamie County Subsystem – The 800 MHz digital trunked voice radio communication system includes both Winnebago and Outagamie Counties.Individually, the two counties are considered a "subsystem" of the two-county communication system.

Talk Group – Within the communication system, numerous "talk groups" are created that allow users to move radio communications away from the "APD Main" talk group and spread the communications traffic out over a variety of non- emergency and tactical talk groups.

801.4 RESPONSIBILITIES

801.4.1 APPLETON POLICE DEPARTMENT COMMUNICATIONS UNIT

The Communications Unit at the Department is comprised of civilian Police Communication Specialists (PCS), who operate under the supervision of the Administrative Services Manager.

The Communications Unit has primary responsibility for the communications functions of the Department, which includes:

(a) Staffing/operating the service desk

(b) Coordinating telephone communications

(c) Teletype and automated data communications

(d) Building security camera and alarms

The Communications Unit (front desk) serves as a primary receiving point for the police department's general, non-emergency telephone lines. It also serves as the reception area for persons wishing to conduct business at the Department.

The Communications Unit is also able to assist with retrieving recorded communications. RECORDING OF COMMUNICATION PROCEDURE

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801.4.2 OUTAGAMIE COUNTY COMMUNICATIONS CENTER

The Communications Center serves the entire city of Appleton as the receiving point for all 911 police, fire, and medical emergency telephone calls and is the point of origin for all related emergency dispatch efforts.

The Communication Center radio consoles are staffed on a 24-hour a day basis.

Access to the Communications Center is restricted, with the door remaining locked at all times. Persons authorized access are issued keys to allow entry, and the entrance is monitored with a close circuit television camera that allows Communications Center personnel to confirm a person's identity before allowing temporary access. Access by authorized personnel is limited to official business only.

Communication Center personnel routinely monitor and record the status of all police officers performing field duties, including routine time checks during quiet shifts. This practice applies to any activity that takes an officer out of service.

Communications Center personnel serve as a police officer's source for teletype and automated data, such as that available from NCIC, CIB, DOT and in-house computer checks for officers in the field.

Communications Center personnel serve as a liaison between police officers in the field and external agencies; e.g., telephone and power companies, human services organizations, towing services, cabs, etc., that may be required to support police operations.

See procedure for dispatch guidelines and teletype/automated data communication.

TELETYPE AND AUTOMATED DATA COMMUNICATION PROCEDURE

DISPATCH GUIDELINES

801.5 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

At a minimum, officers shall be required to report their status to the Communications Center by radio when:

- Arriving at or clearing an assignment

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- Arriving at or clearing a back-up assignment
- When making any traffic or pedestrian stop including location of the stop and identifying information of the vehicle or pedestrian
- Initiating any citizen contact, enforcement action or investigative activity
- Transporting suspects/civilians

Officers needing to contact another agency by radio within the Outagamie and Winnebago Counties communication system shall notify the appropriate Communications Center for permission before entering a talk group.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

RADIO COMMUNICATIONS PROCEDURE

801.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Appleton Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.5.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign.

801.6 DOCUMENTATION
It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.

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- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

801.7 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Transportation records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.8 TRAINING AND CERTIFICATION

EMD training should be based on the support materials available in the Communications Center and provided by an entity approved by the department.

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Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

It is the policy of the Appleton Police Department to support investigations, achieve successful prosecutions, facilitate the timely return of property to rightful owners, and protect the integrity of the organization by following strict guidelines for the receipt, handling, and security of all property in agency custody.

802.1.1 EVIDENCE UNIT SECURITY

The Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Department. The Forensic Evidence Specialist reports to the Investigative Services Unit Division supervisor and is responsible for the security of the Evidence Unit. Evidence Unit keys are maintained only by the Forensic Evidence Specialist and the Investigative Services Unit Division supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's office. The Forensic Evidence Specialist and the Investigative Services Unit Division supervisor shall not loan Evidence Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Unit other than the Forensic Evidence Specialist must be accompanied by the Forensic Evidence Specialist or the Investigative Services Unit Division supervisor.

The Evidence Unit shall maintain additional physical security or physical barriers to properly secure high value, sensitive, or high-risk property, such as currency, jewelry, narcotics, firearms, or biohazards.

802.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Property - Includes all items of evidence, items taken for safekeeping and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

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802.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and/or labeled, packaged, and placed in the designated property locker or storage room. The property shall also be logged into the property management system (BEAST). Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)).

PROPERTY STORAGE AND SECURITY PROCEDURES

SEIZING AND STORAGE OF FIREARMS PROCEDURE

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be secured prior to the member going off-duty. Members logging in property shall observe the following guidelines:

(a) Complete the BEAST entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) Properly package the item.

(c) The officer shall affix a BEAST label to each item of evidence and place their initials and date on the packaging of the item. The officer shall also initial and date all packaging seams.

(d) The BEAST property form shall be submitted with the case report to the records division.

(e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department location that can be secured from unauthorized entry.

802.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be weighed and properly packaged prior to being logged into the BEAST system. Controlled substances logged for destruction should not be tested.

The officer seizing the controlled substances shall place them in the designated temporary property locker.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the Patrol Lieutenant. The Outagamie County Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility, this includes fireworks. Fireworks may be disposed of after they are photographed. They shall be placed in a water tub, generally located

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just outside the west lower level entrance to the garage door. The Evidence Unit will dispose of the fireworks after they have been thoroughly soaked.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain biological samples should be properly labeled as such. Items which are potentially biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

(b) Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The bicycle shall be logged into the BEAST system via the QR code and placed into the secure bike room for storage.

(d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers.

(e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form. ID Unit staff should also be notified of the circumstances.

802.4 PACKAGING OF PROPERTY

All property should be packaged in compliance with Wisconsin Division of Criminal Investigations standards or standards set by this department.

Certain items require special consideration and shall be logged in separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and logged in separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

(g) Biohazards

(h) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery

802.4.1 PACKAGING CONTAINER

Members shall package all property in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

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A property label shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing controlled substances shall retain such property in their possession until it is properly weighed, packaged, labeled, and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances, other than those logged for destruction. When conducted, the result of this test shall be included in the officer's report.

Controlled substances shall be packaged in an appropriately sized package. The officer shall initial the sealed packaging. Controlled substances shall not be packaged with other property.

The officer shall weigh the suspected controlled substance without the container in which it was seized, if possible. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and shall be noted in the BEAST.

802.4.3 RIGHT OF REFUSAL

The Forensic Evidence Specialist has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Forensic Evidence Specialist refuse an item of property, they shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer.

802.5 RECORDING OF PROPERTY

The Department will utilize the BEAST as an evidence records management system. This system ensures each piece of evidence and/or property receives a unique property number. The chain of custody and storage location of each item will be maintained in the BEAST system.

Any changes in the location of property held by the Appleton Police Department shall be noted in the BEAST.

802.6 PROPERTY CONTROL

Each time the Forensic Evidence Specialist receives property or releases property to another person, they shall enter this information in the BEAST system. Officers desiring property for court shall contact the Forensic Evidence Specialist at least one day prior to the court day.

SPECIAL CIRCUMSTANCES INVOLVING EVIDENCE OR PROPERTY PROCEDURES

802.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the BEAST system shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis of items may be made via email or thru the BEAST system. This request may be filled out anytime after logging in the property or evidence.

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802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time in the BEAST system and the request for laboratory analysis.

Any transfer of evidence to the crime laboratory requires:

(a) The name and contact information of the person submitting the evidence.

(b) Appropriate packaging and conveyance of evidence to the laboratory.

(c) Necessary documentation accompanies evidence at time of transmittal.

(d) Adequate receipts and signatures to support chain of evidence.

(e) Written request that lab results be returned in writing.

The Forensic Evidence Specialist releasing the evidence must complete the required information in the BEAST system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item, the officer will record the delivery time and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence.

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the BEAST system, stating the date, time and to whom it was released.

The Forensic Evidence Specialist shall document to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the Evidence Unit or released to another authorized person or entity.

The return of the property should be recorded in the BEAST system, indicating date, time and the person who returned it.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Forensic Evidence Specialist shall not release any property without a signed authorization from an appropriate authorized member of the Department. AnInvestigative Services Unit supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Forensic Evidence Specialist shall, upon the request of the owner:

(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

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802.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken unless the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

Release of property shall be made upon receipt of an authorized disposition form. The disposition form shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed or donated. The final disposition of all such property shall be fully documented in related reports.

A Forensic Evidence Specialist shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property form

Upon release or other form of disposal, the proper entry shall be documented in the BEAST system.

Unclaimed property should not be used by, or transferred to, any city agency or employee, unless the Chief of Police or authorized supervisor approves the transfer. The written request should include a description of the property, the name of the person receiving the property, and the reason for the transfer.

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or otherwise establishes undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

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802.6.7 CONTROL OF CONTROLLED SUBSTANCES

The Evidence Unit will be responsible for the storage, control, and destruction of all controlled substances coming into the custody of this department, including paraphernalia as described in Wis. Stat. § 961.571(1)(a).

802.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

RETURNING OF FIREARMS PROCEDURE

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)). The Forensic Evidence Specialist shall request a disposition or status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or investigator. This does not apply to expired items classified as "return to owner" or "found property."

Upon any release or sale of any property, the proper notation shall be made in the BEAST system. Proceeds from the sale of unclaimed property shall be deposited into the City treasury, minus reimbursement for department expenses.

FINAL DISPOSITION OR DESTRUCTION OF PROPERTY PROCEDURES

802.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts

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- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any property used in the commission of a crime

802.7.2 RETENTION OF BIOLOGICAL EVIDENCE

The Forensic Evidence Specialist shall ensure that no biological evidence collected in a criminal investigation that resulted in a conviction, delinquency adjudication, or commitment under Wis. Stat. §971.17 or Wis. Stat. §980.06 held by the Department is destroyed prior to the discharge date of every person convicted, adjudicated, or committed unless (Wis. Stat. § 968.205):

(a) Forensic Evidence Specialist notifies by certified mail each person who remains in custody and their attorney of record or the state public defender of the intent to destroy the biological evidence unless a motion for testing of the evidence is filed or a written request for the retention of the evidence is received by the Department within 90 days of receipt of the notice.

(b) No person notified files a motion for testing of the evidence or submits a written request for retention of the evidence within 90 days of receipt of the notice.

(c) No other provision of law requires the Department to retain the evidence.

Biological evidence shall be retained for a minimum period established by law, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department pursuant to Wis. Stat. § 968.205(5). A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

802.7.3 RETENTION OF SEXUAL ASSAULT KITS

After a state crime laboratory processes a sexual assault kit and returns it to the Department's possession, the Department shall securely store the kit for a period of 50 years, until the expiration of the statute of limitations, or until the end of the convicted offender's term of imprisonment or probation, whichever period is longer (Wis. Stat. § 165.775; Wis. Admin. Code § JUS 20.05).

802.8 REPORT OF UNCLAIMED FUNDS

The Forensic Evidence Specialist shall complete and file a report of unclaimed funds and periodically submit the record to the Fiscal Resources Manager.

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802.9 INSPECTIONS OF THE EVIDENCE UNIT

On a regular basis, the Investigative Services Unit Lieutenant (or a supervisory designee) shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted semi-annually, as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a supervisor, who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

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Records Section

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Appleton Police Department Records Section. The policy addresses department file access and internal requests for case reports.

803.2 DEFINITIONS

Active Records - A record that is regularly referenced or required for current use.

Badger Tracs - Traffic and Criminal Software

Call for Service (CAD Call) - Any request for service that involves an employee being dispatched, assigned to investigate, or assigned to take action on an incident. Also, any similar action taken that has been initiated by an employee.

Inactive Record - A record still needed by an organization, but not for current operations.Spillman: Records Management System

NIBRS - National Incident Based Reporting System

WIBRS - Wisconsin Incident Based Reporting System

803.3 POLICY

It is the policy of the Appleton Police Department to maintain department records securely, professionally and efficiently. The Administrative Services Manager is responsible for overseeing the unit and ensuring quality control over the records system and its components while complying with Federal, State and Municipal regulations.

803.4 RESPONSIBILITIES

Records Component

- The Administrative Services Unit shall be managed by the Administrative Services Manager, a civilian supervisor.
- The civilian staff in the Administrative Services Unit shall be assigned to a job classification based on job duties.

Central Records Repository:

- It shall be the responsibility of the Administrative Services Unit to process all field and investigative records.

The following records shall be routinely forwarded to the Administrative Services Unit for processing and filing:

- Incident/offense reports
- Wisconsin Uniform Traffic Citations

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- Municipal summonses
- Warrants
- Officer narratives

Police Administrative Services and Communications Unit personnel will primarily be responsible for processing and filing:

- Motor vehicle crash reports (DT4000)
- Citizen contact reports (traffic and ordinance warnings & field interview reports)

803.4.1 RECORDS MANAGER RESPONSIBILITIES

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Assistant Chief or the authorized designee. The responsibilities of the Records Manager include, but are not limited to:

- Overseeing the efficient and effective operation of the Records Section.
- Scheduling and maintaining Records Section time records.
- Supervising, training and evaluating Records Section staff.
- Maintaining and updating a Records Section procedure manual.
- Ensuring compliance with established policies and procedures.
- Supervising the access, use and release of protected information (see the Protected Information Policy).
- Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
    - Homicides
    - Cases involving department members or public officials
    - Any case where restricted access is prudent

803.4.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

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(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Forwarding reports of suspected prescription drug law violations, opioid-related drug overdoses, narcotic-related deaths, or controlled substance prescription thefts to the Wisconsin prescription drug monitoring program pursuant to Wis. Stat. § 961.37.

(h) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:

1. Officer suicides
2. Officer misconduct
3. Uses of force
4. Officer deaths or assaults
5. Crime incidents
6. Deaths in custody

803.4.3 RECORDS SECTION PROCEDURE MANUAL
The Records Manager should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.

(e) Managing a warrant and wanted persons file.

803.5 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Patrol Lieutenant.

Appleton Police Department Law Enforcement Procedures Manual: 801.2 MANAGEMENT OF THE RECORDS RETENTION PROGRAM/RETENTION SCHEDULE PROCEDURE

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

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- Records submitted to the Administrative Services Unit in paper form will be maintained and become the property of the Administrative Services Unit.
- Active and inactive records shall be maintained electronically in Spillman. Attachments will be kept in the file cabinets in the records area and the record archives room.
- Records will be available for viewing by department personnel on a 24-hour basis. Viewing of most records can be accomplished through the computerized Spillman.
- The level of access to computer records will be dependent on the position the employee holds within the department.
- Inactive records shall be available through Spillman.
- If a record is pulled from a file, the record will be returned to the re-file basket or handed to an administrative assistant.

803.5.1 ORIGINAL CASE REPORTS

- Original documents may only be removed from the Administrative Services Unit with the permission of an administrative assistant or the Administrative Services Supervisor.
- It will be the responsibility of the person allowing the record to be removed from the Administrative Services Unit to ensure that the original record is returned.
- Photocopies of original documents will be supplied to personnel on a need basis.
- Upon request, photocopies of records may be sent to specific individuals or entities. However, before records are released, the Administrative Services Supervisor shall determine if criteria established in Wisconsin's Open Records Law has been met.

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

803.6 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

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803.7 TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS

No later than 24 hours after being notified by a court that a restraining order or injunction regarding domestic abuse, child abuse or at-risk individuals has been issued, extended, modified or vacated, the Records Manager shall ensure the information is entered into the appropriate databases and is available to other law enforcement agencies (Wis. Stat. § 813.12; Wis. Stat. § 813.1285; Wis. Stat. § 813.115). This is handled by the appropriate Sheriff's Department.

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Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Legal custodian of records - The person designated by the Department as the legal custodian of records to fulfill all duties required by law, if no designation is made the legal custodian of records shall be the Chief of Police (Wis. Stat. § 19.21; Wis. Stat. § 19.33).

Public records - Records that are not classified, restricted, confidential or private, and may be released by law, upon request.

Record - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by or is being kept by an authority (Wis. Stat. § 19.32).

Record subject - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32).

804.2 POLICY

The Appleton Police Department is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.

2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available.

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(g) Ensuring the prominent display of information regarding the department's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).

(h) Ensuring juvenile records are distinguished from adult records and stored separately.

(i) Establishing procedures for the destruction of both adult and juvenile records, when appropriate and in accordance with established retention schedules.

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist (Wis. Stat. § 19.35(1)(L).

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).

(d) If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified in writing of the delay.

804.4.2 RECORDS INVOLVING THE REQUESTER

If a request is received from an individual or a person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information, the request shall be granted or denied access in accordance with Wis. Stat. § 19.35(4)(c).

All requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the District Attorney, City Attorney or the courts.

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804.4.3 NOTICE REQUIREMENTS IN LIMITED CIRCUMSTANCES

If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Department shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)).

Within five days after receipt of notice by the Department, an individual may provide written notification of their intent to seek a court order restraining the Department from providing access to the requested record (Wis. Stat. § 19.356(3)).

Within 10 days after receipt of a notice by the Department, an individual may commence an action seeking a court order to restrain the Department from providing access to the requested record (Wis. Stat. § 19.356(4)).

The Department shall not provide access to the requested record within 12 days of sending a notice to an individual pertaining to that record. In addition, if the individual commences a court action, the Department shall not provide access to the requested record during pendency of the action. The Department shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the Department receives written notice from the individual that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

804.4.4 DENIALS

The denial of a request for records is subject to the following:

If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

804.4.5 RECORDS DESTRUCTION

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Department receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

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(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).

(b) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).

(c) Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)):

1. Endangering an individual's life or safety.
2. Identifying a confidential informant (Wis. Stat. § 19.36(8)).
3. Endangering security, including that of the staff or population of a detention facility.

(d) Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am).

(e) Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)2m).

(f) Crime victim and witness information (Wis. Stat. § 950.04).

(g) Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).

(h) Search warrants until they have been executed (Wis. Stat. § 968.21).

(i) Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).

(j) Information in employee personnel records (Wis. Stat. § 19.36(10)).

(k) Patient health care records (Wis. Stat. § 146.82).

(l) Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.

(m) Video records have the following guidelines:

1. For video records involving a subject who is a victim of a sensitive or violent crime or who is a minor, access to data from a body camera shall be provided only if the public interest in allowing access is so great as to outweigh restrictive public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another

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method of redaction. As of April 2020, Marsy's Law became a constitutional right, requiring the impacted individual to invoke the right. However, records release (video) requires protecting the individual from identification by voice, face, or other means.

2. The presumption under this subdivision regarding the privacy of a record subject who is a victim of a sensitive or violent crime does not apply if the record subject, or his or her next of kin if the record subject is deceased, does not object to granting access to the data. The presumption under this subdivision regarding the privacy of a record subject who is a minor does not apply if the parent or legal guardian of the record subject does not object to granting access to the data.
3. It is the public policy of Wisconsin to maintain the privacy of a record subject who is in a location where the record subject has a reasonable expectation of privacy and that access to data from a body camera used on a law enforcement officer that record a record subject in such a location shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision does not apply if the record subject does not object to granting access to the data.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 SECURITY BREACHES

Members who become aware that any Appleton Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure the required notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 1,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Wis. Stat. § 134.98).

Notice shall be given within a reasonable time, not to exceed 45 days, after the Appleton Police Department discovers the breach. Notice may be delayed if notification will impede an investigation or homeland security (Wis. Stat. § 134.98).

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For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Wis. Stat. § 134.98):

(a) Social Security number

(b) Driver's license number or Wisconsin identification card number

(c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account

(d) The individual's DNA profile (as defined by Wis. Stat. § 939.74), or the individual's biometric data, including fingerprint, voice print, retina or iris image or any other unique physical representation

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.8 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court (Wis. Stat. § 973.015; Wis. Stat. § 938.355). Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged, members shall respond to any inquiry as though the record did not exist.

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Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Appleton Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Appleton Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Appleton Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Transportation (DOT) records, and the Transaction Information for the Management of Enforcement (TIME) system.

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Appleton Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Appleton Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

DRIVER'S LICENSE PROTECTION (DPPA) PROCEDURE

805.6 JUVENILE RECORDS

Apart from certain statutory exceptions, it is the policy of the Appleton Police Department not to allow inspection, or the release of copies, of juvenile records. Records will not be released to a parent, guardian or legal custodian of a juvenile who is the subject of law enforcement reports, or the juvenile themself without an original order from the court of jurisdiction; copies of the order will not be accepted.

Juvenile records may be released under the following statutory exceptions:

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(a) The victim of a juvenile's act may have disclosed to them any information in the police record relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents. The victim may use and further disclose the information only for the purpose of recovering for the injury, damage or loss suffered as a result of the juvenile's act. §938.396 (1)(c) 5, Wis. Stats.

(b) Juvenile records containing information sought by the representatives of newspapers or other reporters of news who wish to obtain it for the purpose of reporting news without revealing identifying information about the child involved. §§48.396 (1) and 938.396 (1)(b)1, Wis. Stats.

(c) Juvenile records involved in the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies. §§48.396 (1) and 938.396 (1)(b)2, Wis. Stats.

(d) Juvenile records of children who are waived into adult court. Records available are limited to those associated with the case resulting in the child's waiver to adult court and are governed by §§48.396(1) and 938.396 (1)(b) 5, Wis. Stats.

(e) Juvenile records relevant to the subject matter of a proceeding shall be open to inspection by a guardian ad litem or counsel for any party, upon demand, and upon presentation of releases where necessary, at least 48 hours before the proceeding. Persons entitled to inspect the records may obtain copies of the records with the permission of the custodian of the records or with the permission of the court. §§48.293 (2) and 938.293 (2), Wis. Stats.

(f) Copies of all reports by any police officer within the department, including, but not limited to, such officer's memorandum and witness statements, shall be made available upon request to counsel or guardian ad litem prior to a plea hearing. The identity of a confidential informant may be withheld pursuant to §905.10, Wis. Stats. §§48.293 (1) and 938.293 (1), Wis. Stats.Juvenile records supplied to the victim-witness coordinator relating to the enforcement of rights under the constitution, Chapter 938, and §950.04 Wis. Stats., or the provision of services under §950.06 Wis. Stats. §938.396 (1)(c) 6, Wis. Stats.

(g) Juvenile records will not be shared with the members of the county coordinated services team. However, School Resource Officers or other officers, who are members of a county coordinated services team and are working with a juvenile's family, may discuss relevant issues of that juvenile's history. Prior to discussions taking place, a waiver signed by the juvenile's parents authorizing the disclosure, as well as a signed confidentiality agreement from each team member, are needed.

(h) Juvenile records requested by a fire investigator under §165.55 (15), Wis. Stats., relating to a juvenile as necessary for the fire investigator to pursue their investigation under §165.55. §938.396 (1)(c) 8, Wis. Stats.

805.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

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The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization's records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents they receive.

805.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Appleton Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 HUMANE OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Lead Community Service Officer (LCSO) and include the following (Wis. Stat. § 173.07):

(a) Animal-related matters during periods when the LCSO is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the LCSO is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals or notifying owners when animals are taken into custody (Wis. Stat. 173.13(3)).

(d) Enforcement of state laws and ordinances relating to rabies control and cruelty to animals (Wis. Stat. § 173.03(3); Wis. Stat. § 95.21; Wis. Stat. § 951.01 et seq.).

Members who are designated as Humane Officers shall successfully complete the required basic and continuing education animal control courses required for certification by the Wisconsin Department of Agriculture, Trade and Consumer Protection (Wis. Stat. § 173.05).

See for Animal Control Enforcement Procedure for additional guidance.

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, untrained responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

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(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

(a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow them to properly care for the animal.

(b) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

(c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to § Wis. Stat. § 951.01 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.6.1 QUARANTINE

If the member has reason to believe the biting animal is infected with rabies or has been in contact with a rabid animal they shall order the animal to be quarantined (Wis. Stat. § 95.21(4); Wis. Stat. § 95.21(5)).

806.7 ANIMALS AT LARGE

At large animals displaying current licenses will be returned to the owner, if found within a reasonable vicinity of the owners residence. If the owner cannot be contacted at the residence, a copy of the Animal Control Notice to Call (APD Form #105) shall be completed and left at the residence. The animal shall than be transported to the Fox Valley Humane Association (FVHA).

Domestic animals taken to the FVHA after hours, will be kept in isolation cages in the receiving area, one animal per cage. Animals taken in APD traps may remain in the trap overnight at the CSO’s discretion.

Unlicensed animals will be transported to the FVHA after the person recovering the animal communicates with the PCT’s to determine whether the animal is reported in the Animal Lost and Found Book.

Whenever an animal is impounded at the FVHA, the person delivering the animal shall complete an Animal Impoundment/Transportation Card (APD Form #158) and leave a copy at the facility. A report shall be completed.

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Prior to releasing an animal that has been impounded at FVHA, the owner must show proof of compliance with the following municipal ordinances:

- Ordinance 3-18, Proof of Valid Rabies or Prepaid Rabies Vaccination, and
- Ordinance 3-66, License Required

If the owner is not in compliance with the licensing ordinance mentioned above, they shall be cited for the violation(s) if previous contacts have provided reasonable notice of the ordinance. Failure to vaccinate is a first time citable offense.

- First offense should result in a written warning, unless aggravating circumstances exist.
- Second and subsequent offenses may result in a summons being issued for violating municipal ordinance 3-15(b), Animal Repeatedly at Large.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

Animal problems that may be deemed health risks or represent a substantial nuisance shall be referred to a patrol supervisor or district commander. The department may assist citizens with wild animal incidents, which meet the following criteria:

- Supervisor or LCSO approval
- Injured Wild Animal
- Wild Animals threatening the Public Health of citizens or their domesticated animals

Wild Animals that are NOT of public health significance will be the responsibility of the property owner to contact the DNR or a wild animal removal company of their choice to assist them.

In cases where the threatening nature of a wild animal situation requires police response, a private wildlife contractor may be summoned to provide assistance:

(a) Supervisor or Lead CSO authorization shall be required for use of the private wildlife contractor.

(b) An incident number shall be assigned to all wild animal situations requiring a department response.

(c) In the event a private wildlife contractor is used, the incident number shall be given to their staff. The number will represent their authorization to resolve the matter on behalf of the City and ensure their subsequent payment.

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Rat problems will be referred to the Health Department for resolution unless there is an immediate danger to the public.

806.10 INJURED OR DECEASED ANIMALS

When a member becomes aware of a deceased domesticated animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility. For seriously injured animals, contact Blue Pearl Pet Hospital at (920)993-9193, 4706 New Horizons Blvd, Appleton.

Transportation /disposal of injured or deceased animals shall be the responsibility of the animal owner. If the owner cannot be identified or located, the following steps shall be applied:

(a) If a domestic animal is found deceased, a CSO (or officer) shall place the animal in a garbage bag and dispose of it in the refuse container at the police department. They shall document the incident in a report and contact the Front Desk to be logged into the Animal Lost and Found Book.

(b) If an animal is unclaimed or if the owner of an animal with minor injuries cannot be located, a CSO shall transport the animal to the FVHA and complete an animal impound card (APD Form #158). Minor injuries are defined as those that are not life threatening and where the animal appears not to be in pain.

    1. If it is after hours, page FVHA personnel and notify them of the transportation of the animal to their facility and the animal's injuries.

    2. Contact information for the FVHA after hours can be obtained at the Front Desk. FVHA personnel will make the determination if the animal should be transported to Blue Pearl Pet Hospital. Transportation and financial responsibility for the APD will be limited according to contract language.

    3. Any other concerns regarding an injured animal contact the On-Duty Supervisor or LCSO.

806.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

In the case of a domestic animal, every effort should be made to contact the owner prior to destruction, including a check of the Animal Lost and Found Book and FVHA.

When it becomes necessary to destroy an animal, every effort should be made to protect the head if rabies tests are required due to circumstances discovered during the investigation.

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806.12 WILD ANIMALS

Chapter 29 (Wis. Stats.) applies to wild animals and designates the Wisconsin Department of Natural Resources (DNR) as the agency responsible for controlling wild animals and enforcing related laws.

Except where they pose an imminent threat to public health or safety, department personnel will not respond to wild animals at large. Personnel will be notified of reports of deer at large to ensure that the deer pose no hazard to public safety or property. Officers shall ensure that citizens are not needlessly chasing or harassing deer in the city.

Property owner, tenants, or lessees, as applicable, shall be responsible for resolving all wild animal problems occurring on their land or in their structures, if the problems do not pose an imminent threat to public safety.

When complainants call the department for wild animal problems not posing an imminent threat to the public, they will be referred to the DNR or private businesses dealing with animal or pest control.

Property owners may be informed that they can write to the DNR about any wild animal causing damage. The DNR has three days to investigate the situation and respond to the property owner. If they do not respond within the three-day period, the property owner may then take the lawful steps to remove the animal under 29.59(3)(d), Wis. Stats.

Deceased wild animals located in the roadway or on public property will be removed by the Department of Public Works (DPW). DPW shall be responsible for the removal of any dead animal requiring special handling, such as skunks. Dead wild animals found on private property, will be the responsibility of the property owner.

806.13 ANIMAL BITE/SCRATCH INCIDENTS

A report with written statements shall be completed for all domesticated animal bite/scratch incidents (ferrets are considered domesticated animals).

Officers shall make every effort to determine ownership of the animal, and absent exceptional circumstances, a summons will be issued to the owner of the animal.

Upon determining ownership of the animal, the owner shall be required to show a current rabies certificate as proof of vaccination (dogs and cats 5 months or older must be vaccinated). A rabies tag will not be considered proof of vaccination. If the owner cannot provide a valid certificate, the animal shall be considered not vaccinated and the owner may be issued a municipal summons for the violation.

In situations where the animal cannot be located, officers shall obtain a thorough description of the animal and every effort shall be made to locate the animal. If possible, obtain a photo of the animal. Social media may also be considered.

ANIMAL BITE/SCRATCH INCIDENT PROCEDURE

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CJIS Access, Maintenance, and Security

807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

807.2 POLICY

It is the policy of the Appleton Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

807.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Appleton Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

807.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Wisconsin Department of Justice Crime Information Bureau.

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:

1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
2. Mandatory multi-factor authentication for users.
3. Use of automated mechanisms to monitor and control remote access methods.
4. Mandatory encryption (e.g., VPN, Transport Layer Security).
5. Required logging of all remote access activity.

(e) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(f) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(g) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).

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4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(i) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

(k) Managing the development, documentation, and dissemination of applicable policies and procedures for the following:

1. Access control
2. Awareness and training
3. Auditing and accountability
4. Assessment, authorization, and monitoring
5. Configuration management
6. Contingency planning
7. Identification and authentication
8. Incident response
9. Maintenance
10. Media protection
11. Physical and environmental protection
12. Planning
13. Personnel security
14. Risk assessment
15. System and services acquisition
16. Systems and communications protection
17. System and information integrity
18. Supply chain risk management

(l) Reviewing this policy and related procedures annually as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

807.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

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Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

807.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

807.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

807.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

807.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

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807.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

807.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

807.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

807.9 INCIDENT RESPONSE PLAN

Incident Response

• All authorized users are responsible for the protection of information subject to confidentiality concerns - in systems, archived, on backup media, and until destroyed.

• All authorized users are also responsible for assuring threats, vulnerabilities, and risks associated with accessing CJIS systems and services are eliminated prior to accessing the CJIS system.

• Any security incidents that may arise shall be reported immediately to a supervisor for action deemed necessary. The supervisor will immediately report the security incident to the Administrative Services Supervisor and the City of Appleton Department of Information Technology (IT).

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• You may see only indicators of a security incident. These indicators may include, but are not limited to, the following:

(a) The system unexpectedly crashes without clear reasons

(b) New user accounts are mysteriously created which bypass standard procedures

(c) Sudden high activity on an account that has had little or no activity for months

(d) New files with novel or strange names appear

(e) Accounting discrepancies

(f) Changes in file lengths or modification dates

(g) Attempts to write to system files Data modification or deletion

(h) Denial of service o Unexplained poor system performance

(i) Anomalies

(j) Suspicious probes

(k) Suspicious browsing

• In conjunction with the City's IT Department policies and procedures, the incident will be reported to the appropriate authorities.

807.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

807.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Appleton Police Department for processing prior to being released or transferred to a municipal lockup, jail, or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Appleton Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Appleton Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (Wis. Admin. Code § DOC 349.06).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Appleton Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

  (a) If the officer taking custody of an individual believes that they may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to their health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody (Wis. Stat. § 302.42). The member responsible for supervising should not have other duties that could unreasonably conflict with their supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

The booking room shall remain locked at all times in a manner that prevents access to the inner perimeter of the department, and the sally port, from within the booking room.

The processing area and interview rooms located in the booking room shall be kept clean, in good repair, and free of any defects that may potentially harm an officer or detainee. To ensure that this is done, the booking room shall be part of the monthly safety inspection performed by the Safety Committee.

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The Sally port garage doors shall not be propped open.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate them for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, county crisis shall be contacted and they shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the Patrol Lieutenant of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Lieutenant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

BOOKING ROOM PROCEDURES

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The on-duty Patrol Supervisor will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that they may have their consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform them without delay that they may communicate with consular officers.

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(c) Forward any communication from the individual to their consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

(c) If the country is not on the mandatory notification list and the individual requests that their consular officers be notified, then:

(d) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(e) Forward any communication from the individual to their consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 RECORDING

Any time an individual is in temporary custody at the Appleton Police Department, all applicable recording devices shall be activated and remain on for the duration of the time the individual is in temporary custody.

Adults held in the booking room beyond fingerprinting and photographing must be recorded on the adult detention log located in the room.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks are conducted.

(b) Individuals in custody are monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (Wis. Stat. § 302.37; Wis. Admin. Code § DOC 349.06(4)).

(d) There is reasonable access to a drinking fountain or water (Wis. Admin. Code § DOC 349.06(4)).

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape (Wis. Stat. § 302.37).

(j) Adequate furnishings are available, including suitable chairs or benches (Wis. Admin Code § DOC 349.06(4)).

900.5.3 MEDICAL CARE

Fully stocked first-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times. The designated patrol supervisor shall ensure that all first-aid equipment is inspected weekly and re-stocked as needed.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, they will be accompanied by an officer.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Lieutenant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at their own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    (a) Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use their judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and their attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Appleton Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. Release of the property requires the recipient's signature on the appropriate form.

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900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Investigations and Community Resource Unit Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Appleton Police Department. The procedures should include the following (Wis. Admin. Code § DOC 349.18):

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Lieutenant, Chief of Police and Investigative Services Unit Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Outagamie County Coroner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

Officers who have made a custodial arrest have the discretion to release a defendant with charges pending in situations where the gravity of the offense is minor, the defendant does not pose a risk of flight, and the safety of victims or the public is not in question. If these conditions are met and the defendant is not released, the officer shall articulate the necessity for confinement in their report.

Defendants who are not subject to release shall, in many cases, have the option of posting a bond for the purpose of securing their release from custody. Bond amounts for misdemeanor crimes can be found in the State of Wisconsin Uniform Misdemeanor Bail Schedule. Bond amounts for felony crimes can be obtained by contacting a judge.

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When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Appleton Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if they are being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with their personal needs as reasonable.

(j) Documentation confirming the transfer of custody of an individual to another facility or entity shall be provided to the receiving entity. Written acknowledgement of receipt of custody of an individual shall be obtained from the receiving entity. All documentation of the transfer of custody of any individual should be retained in the individual's file.

(k) All safety procedures designated by the receiving entity shall be followed by the transporting officer.

900.10.1 RELEASE OR TRANSFER AFTER PROCESSING

Individuals should be released or transferred to a housing or other type of facility within two hours following the conclusion of processing, testing and/or interrogation.

In situations where the arresting officer confines a defendant on a criminal matter, they shall ensure the confinement occurs in the jail of the county having jurisdiction.

In situations where the officer confines a defendant on a non-criminal matter; e.g., 1st offense OMVWI, they will do so in the county of jurisdiction.

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900.11 ASSIGNED ADMINISTRATOR

Command staff will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security (Wis. Admin. Code § DOC 349.12)

(b) Key, culinary equipment and tool control (Wis. Admin. Code § DOC 349.12)

(c) Sanitation and maintenance (Wis. Admin. Code § DOC 349.08)

(d) Emergency medical treatment

(e) Escapes (Wis. Admin. Code § DOC 349.11) ESCAPE OF PERSONS IN CUSTODY PROCEDURE

(f) Evacuation plans (Wis. Admin. Code § DOC 349.10)

(g) Fire- and life-safety (Wis. Admin. Code § DOC 349.10; Wis. Admin. Code § DOC 349.12)

(h) Disaster plans

(i) Building and safety code compliance (Wis. Admin. Code § DOC 349.12)

(j) Required notifications, including any required to be made the regional detention facilities specialist (Wis. Admin. Code § DOC 349.11)

(k) Receiving detainees from outside law enforcement agencies

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Appleton Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after their arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

BWC shall be activated whenever a search is conducted.

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901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Appleton Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member should be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

901.4.2 VERIFICATION OF MONEY

All money shall be counted by two department employees in front of the individual from whom it was received. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front with an evidence label and a currency report label indicating the amount of each denomination. The department member sealing it should place their initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it.

901.5 STRIP SEARCHES

No person may be the subject of a strip search unless they are arrested or detained, in accordance with Wis. Stat. § 968.255(1).

No person held at any Appleton Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person is arrested is required if the person is arrested for a violation of state law punishable by forfeiture, any local ordinance, or a misdemeanor offense other than the following list of offenses that involve weapons or violence:

- Wis. Stat. § 167.30(1)
- Wis. Stat. § 940.60
- Wis. Stat. § 941.20(1)

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- Wis. Stat. § 941.23
- Wis. Stat. § 941.237
- Wis. Stat. § 941.231
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Appleton Police Department facilities shall be conducted as follows (28 CFR 115.115; Wis. Stat. § 968.255):

(a) Written authorization from a lieutenant shall be obtained prior to the strip search (APD Form #_064).

(b) All members involved with the strip search shall be of the same sex as the individual being searched.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating or assisting in the search. The search shall not be reproduced through a visual or sound recording, to include body camera recording.

(d) Whenever possible, a second member of the same sex should assist with the search for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

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1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from a lieutenant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless they otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect their privacy and dignity.

(h) A copy of the completed report shall be maintained and given to the individual who was searched, thru an open records request.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the lieutenant authorization does not need to be in writing.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Wis. Stat. § 968.255):

(a) No individual arrested or detained in accordance with Wis. Stat. § 968.255(1)(a) shall be subjected to a physical body cavity search without written approval of a lieutenant

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(APD Form #064) and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, physician's assistant or registered nurse may conduct a physical body cavity search.

(c) Except for the physician, physician's assistant or registered nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The lieutenant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and a copy shall be provided to the individual who was searched or other authorized representative upon request.

901.7 SEARCHES OF PERSONS WITH PHYSICAL DISABILITIES

A search of a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb shall be conducted in a careful manner. If the search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his/her body, the search shall be conducted with extreme care by a member who has had training in handling physically disabled persons (Wis. Stat. § 968.256(2)).

901.8 TRAINING

The Professional Development Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

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(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Members who may conduct a strip search as part of their duties shall also be given annual training on this policy and any related department procedures (Wis. Stat. § 968.255).

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Appleton Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Appleton Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Appleton Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Appleton Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Appleton Police Department detainees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the Department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITY

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Lieutenant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 PATROL LIEUTENANT RESPONSIBILITY

The Patrol Lieutenant shall report to the Department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Lieutenant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Patrol Lieutenant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Lieutenant shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Appleton Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the Mayor. The Chief of Police or Mayor shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Lieutenant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Lieutenant or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the Department’s progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Appleton Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Professional Development Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Professional Development Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Appleton Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Appleton Police Department to provide safe, secure, and humane transportation for all persons in custody.

903.3 PROFESSIONAL DEVELOPMENT COORDINATOR RESPONSIBILITIES

The Professional Development Coordinator should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

903.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

(a) Provide the Communications Center with any required notifications (e.g., start time, mileage, end time).

(b) Properly secure all property.

(c) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Cameras policies for additional guidance).

(d) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(e) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

(f) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

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(g) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(h) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

903.4.1 ADDITIONAL RESPONSIBILITIES

Officers transporting a person in custody shall:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

(a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

1. Juveniles and adults shall not be transported together.

2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.

3. Persons of different genders should not be transported together.

(b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

903.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

903.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs,

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prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

903.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Patrol Lieutenant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

903.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

903.10 EMERGENCY DETENTIONS TRANSPORTS

When transporting any individual for an emergency detention, the transporting officer should request that the Communications Center notify the receiving facility if the level of cooperation of the individual is going to be problematic, and/or when special medical circumstances exist.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Patrol Lieutenant approval is required before transport commences.

See the Emergency Detentions Policy for additional guidance.

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903.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify the Communications Center and request an appropriate response.

903.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

903.13 PROHIBITIONS

When transporting a person in custody, officers should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

903.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise the Communications Center and other units of the escape, provide a description of the escapee, notify the Patrol Lieutenant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Patrol Lieutenant should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Appleton Police Department, the Patrol Lieutenant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

903.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

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903.16 NOTIFICATIONS

Officers shall notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

903.17 TRAINING

The Professional Development Coordinator should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Appleton Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Appleton Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. This includes the establishment of a Recruitment Team.

The Recruitment Team will be comprised of :

(a) Professional Development Specialist

(b) Community Resource Unit Lieutenant/Public Information Officer

(c) Field Training Officer Coordinator or Social Media Team Coordinator

(d) 5 officers - each officer will serve a 2 year term

The Recruitment Team strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

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The department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should collaborate with the Human Resources Department to strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal reference checks (minimum three)

(d) Professional reference checks

(e) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(f) Information obtained from public internet sites

    1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(g) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(h) Local, state, and federal criminal history record checks

(i) Polygraph or voice stress analyzer examination (when legally permissible) (Wis. Stat. § 111.37)

(j) Medical and psychological examination (may only be given after a conditional offer of employment)

    1. Examinations should be at the department's expense.

(k) Review board or selection committee assessment

(l) Relevant national and state decertification records, if available, including the National Decertification Index

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1000.4.1 POLYGRAPH EXAMINATION REQUIREMENTS

If a polygraph examination is used as part of the selection process, candidates should be notified at the time of application of the following:

(a) That a polygraph test will be required as part of the application process

(b) The general subject areas that may be covered during the polygraph test

The polygraph examination shall be undertaken in accordance with the requirements of Wis. Stat. § 111.37.

In no case shall the results of a polygraph examination serve as the sole reason for denial of employment (Wis. Stat. § 111.37(6)).

1000.4.2 EXAMINER QUALIFICATIONS

If a polygraph examination is used, the examiner should be appropriately trained in the administration of polygraph examinations in the employment setting.

1000.4.3 VETERAN'S PREFERENCE

The Department will provide veteran preference points as required (Wis. Stat. § 63.08(1)).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Appleton Police Department (Wis. Admin. Code § LES 2.01).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the department shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Wis. Stat. § 995.55).

The department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

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Regardless of whether a third party is used, the department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 CANDIDATE WAIVERS

Officer candidates are required to complete a waiver authorizing the disclosure of previous personnel files. The assigned background investigator shall submit the waiver to every government agency that has employed the candidate and request the personnel file information. The waiver should be submitted to the prior employing agency at least 30 days before a hiring decision is made. No hiring decision should be made without reviewing the information (Wis. Stat. § 165.85).

1000.5.6 APPLICANT FILES

The applicant files should be stored in a secure area and the confidentiality of the records maintained consistent with federal, state, and local laws. See the Records Section Policy and Personnel Records Policy for additional guidance.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Wis. Stat. § 165.85; Wis. Admin. Code § LES 2.01 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by Wisconsin law, including those provided in Wis. Stat. § 165.85, Wis. Admin. Code § LES 2.01, and Wis. Admin. Code § LES 2.02:

- Possess a valid Wisconsin driver's license
- Be free of any felony convictions, misdemeanor crime of domestic violence, or of any offense that if committed in Wisconsin could be punished as a felony unless an absolute and unconditional pardon has been granted
- Be at least 18 years of age
- Be a citizen of the United States (Wis. Stat. § 66.0501(1))
- Submit to a local, state, and national fingerprint check
- Possess good moral character as determined by a thorough background investigation (Wis. Stat. § 165.85)
- Possess a high school diploma or GED equivalent
- Possess a two-year associate degree or a minimum of 60 fully accredited college level credits.
- Be free from any physical, emotional, or mental condition that might adversely affect the performance as an officer
- Undergo a physical assessment by a licensed physician, physician assistant, or nurse practitioner to verify the candidate can meet the required physical standards
- Complete a satisfactory oral interview
- Submit to a drug test upon hire

The Appleton Police Department may establish additional standards for selection of a candidate for the position of officer (Wis. Stat. § 165.85(4)).

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1000.8 PROBATIONARY PERIODS

The police department should coordinate with the Appleton Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees - Refer to City of Appleton Policy - Performance Management

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special lateral assignments within the Appleton Police Department.

1002.2 POLICY

The Appleton Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

It is the policy of the Appleton Police Department to establish a standardized, reasonable, and effective system that will provide valid, job relevant information from which the best-qualified candidate can be selected for lateral specialized positions. Within the job classification of police officer, all positions other than uniformed patrol officer shall be considered specialized assignments and subject to the guidelines established in this section. The following positions are considered special assignments and not promotions:

(a) Special Weapons and Tactics member
(b) Investigator - SIU and/or ISU
(c) Bicycle patrol officer
(d) Canine handler
(e) Field Training Officer
(f) School Resource Officer
(g) LWAM Investigator
(h) Behavioral Health Officer
(i) Community Liaison Officer
(j) OPS Coordinator
(k) Threat Assessment Officer
(l) SORP Specialist
(m) Forensics Investigator
(n) Victim Services Officer
(o) Traffic Safety Officer

The staffing of specialized positions shall be accomplished on a rotating basis. The Chief has final authority to set or modify the length of any assignment in the rotation.

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The Assistant Chief shall maintain a listing of all specialized positions, their corresponding position descriptions, and the rotation schedule for each position. Human Resources will house the master copy of all position descriptions.

Reclassification of an internal specialized assignment position is vested in the authority of the Chief.

Responsibility for administering the reclassification process for contractual positions and non-represented positions shall rest with the Human Resources Department.

Reclassification of any position may be considered when a substantial change in the duties and responsibilities associated with the position has changed or is projected to change. The decision to reclassify a position that falls under the police bargaining unit will be based on the result of contract negotiations. The decision to reclassify a position that falls under the non-represented salary administration plan will be based on the result of the City's Comprehensive Position Questionaire (CPQ).

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Off probation

(b) Possession of or ability to obtain any certification required by the Law Enforcement Standards Board

(c) Exceptional skills, experience, or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in their performance.

(c) Expressed an interest in the assignment

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

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1002.3.3 SELECTION PROCESS

All vacancies in specialized assignments shall be announced agency wide and filled through a selection process announced in conjunction with the posting of the vacancy. The vacancy announcement for each specialized assignment shall include, at a minimum, the following:

(a) A brief description of the duties specific to the vacant position.

(b) A list of the skills, knowledge, and abilities necessary to perform the specialized assignment.

(c) A list of any special qualifications necessary for the position, including the length of experience required.

(d) An outline of the steps comprising the selection process.

The selection process for each specialized assignment should include, at a minimum, the following:

(a) Submission of a memo expressing one's interest in entering the process.

(b) Review of the applicant's qualifications as outlined in the position announcement.

(c) Review of input by the officer's unit commander to include recent performance evaluations.

(d) Interview with a panel comprised of internal and, as appropriate, external members with unique interest in the appointment.

Upon conclusion of a specialized assignment selection process, the person coordinating the process shall submit a summary of the results, along with any recommendations, to the Chief of Police. The Chief has final approval authority for filling all specialized assignments.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, and training. The process may also be waived for exceptional circumstances, based on objective reasons, at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

The promotional process must meet the legal, professional and administrative requirements established for such procedures. All criteria used to evaluate candidates for promotion shall be job-related and non-discriminatory.

Requirements and information regarding any promotional process are available at the City of Appleton Human Resources Department.

SPECIAL ASSIGNMENTS AND PROMOTIONS PROCEDURE

1002.4.1 PROMOTIONAL OPPORTUNITY ANNOUNCEMENTS

The Chief of Police or the authorized designee should provide timely, department-wide written notice of promotional opportunities, to include:

- A description of the position or job classification.
- Requirements for participation in the promotional process.

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- A description of the process, including testing and evaluation and dates, times, and locations for all components of the promotional process.

1002.5 MANAGEMENT OF PROMOTIONAL PROCESS

The Chief of Police, under the auspices of the appointed members of the Appleton Police and Fire Commission, retains the authority to select and promote those individuals who are best qualified for vacant positions.

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Grievances - Refer to current APPA contract. Non-reps - Refer to City of Appleton Policy - Conditions of Employment

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Appleton Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

1004.8 RECORDS RETENTION AND RELEASE

The Records Manager and Assistant Chief shall ensure that documentation of investigations are maintained in accordance with the established records retention schedules.

1004.9 WHISTLE-BLOWING

State law protects a law enforcement officer who witnesses and reports or intervenes to stop any unlawful use of force by another law enforcement officer (Wis Stat. § 175.44). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Assistant Chief for investigation pursuant to the Personnel Complaints Policy.

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Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Appleton Police Department of any past and current criminal convictions.

The Investigations Captain shall submit in a timely manner a notice to the Wisconsin Department of Justice Training Standards Bureau (WisDOJ TSB) of any appointment, termination, reinstatement, name change or status change regarding any peace officer employed by this department (Wis. Admin. Code § LES 2.01).

The Investigations Captain shall submit in a timely manner a notice to WisDOJ TSB of a felony conviction or any lawful reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (Wis. Admin. Code § LES 6.02).

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Wisconsin and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Wis. Stat. § 813.12).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Wisconsin (Wis. Admin. Code § LES 2.01).

Convictions of certain motor vehicle law violations and other provisions of motor vehicle law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may prohibit them from carrying out law enforcement duties.

1005.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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Reporting of Employee Convictions

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing their duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

An officer may be exempt from surrender of a firearm that they are required, as a condition of employment, to possess whether on- or off-duty if the peace officer is currently the subject of a domestic abuse restraining order or injunction (Wis. Stat. § 813.12(4m)(ag)). As such, members shall promptly notify the Department if they become the subject of any domestic abuse restraining order or injunction.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from their physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that they are safely transported away from the Department.

1006.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of their duties.

(c) During the performance of their duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to themself or another person or substantial damage to property.

When ordered by the Chief of Police, employees shall be required to submit to any additional medical and laboratory examinations specifically directed and narrowly related to a formal investigation of the employee's performance or fitness for duty.

Whenever an employee is ordered by the Chief of Police to undergo a medical or laboratory examination as a condition of his or her employment, the examination will be provided at no cost to the employee.

Current testing provider information: Drug alcohol testing provider info 2023.pdf

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1006.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

(d) If, at any time, the supervisor or investigator determines the investigation is likely to result in criminal charges being brought against the employee under investigation, the supervisor shall confer with the City Attorney's Office before proceeding under this section.

1006.7.2 DISCIPLINE
An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and Wisconsin Family and Medical Leave Act (Wis. Stat. § 103.10); or for bone marrow and organ donation leave (Wis. Stat. § 103.11).

1007.2 POLICY

It is the policy of the Appleton Police Department to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify an appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with advanced notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Appleton Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Appleton Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL

The Professional Development Unit shall ensure the Department has a plan for exposure control that includes the following:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Health and safety standards established by the Wisconsin Department of Safety and Professional Services covering public employees (Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.01 et seq.).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Exposure control mandates in 29 CFR 1910.1030 (Wis. Stat. 101.055; Wis. Admin. Code § SPS 332.50).
4. Reporting known and suspected cases of communicable diseases to the local health officer (Wis. Admin. Code § DHS 145.04).

The Professional Development Lieutenant should also act as the liaison with the Wisconsin Department of Safety and Professional Services, Industry Services Division (ISD) and may request voluntary compliance inspections. They should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

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(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Safety and Health Program policies).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

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The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and their family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. The City Attorney will work with the affected employee and his or her supervisor to facilitate testing.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Testing the previously drawn blood of the source individual as authorized by Wis. Stat. § 252.15(5g).

1. A court order may be obtained if the requirements of Wis. Stat. 252.15 are not satisfied (Wis. Stat. 252.15(5j)).

(c) Requesting testing through a local health officer or the Department of Health Services (Wis. Stat. 252.02; Wis. Admin. Code § DHS 145.06 et seq.).

The supervisor should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if they refuse.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

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(b) Shall be provided whenever the member is assigned new tasks or procedures affecting their potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Appleton Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Appleton Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Department facilities, and as is further outlined in this policy.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Appleton Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities. (Wis. Stat. § 101.123(2)(a)8r).

All employees are prohibited from using tobacco products or vaping devices in department vehicles. Employee's assigned to one-to-one vehicles may use chewing tobacco in their assigned vehicle as long as they are considerate of the rights and health concerns of passengers.

1009.4 ADDITIONAL PROHIBITIONS

The Chief of Police or the authorized designee shall make reasonable efforts to prohibit smoking in department locations where smoking is prohibited, including, but not limited to (Wis. Stat. § 101.123):

(a) Posting signs that prohibit smoking.

(b) Asking a person who is smoking to refrain or to leave.

(c) Enforcing the Wisconsin Clean Indoor Air Act.

(d) Taking other actions as reasonably necessary to prevent persons from being exposed to others who are smoking.

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Appleton Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Appleton Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining or employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Criminal Investigation - The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

Informal Complaint - A unit level review of a procedural or minor misconduct complaint. An informal complaint may involve simple mediation of the complaint and/or a meeting with the officer for the purpose of determining the facts and the appropriate form of resolution.

Formal Complaint - A matter in which a supervisor determines that a formal investigation of an employee who has become the subject of a misconduct complaint, whether minor or serious, is warranted.

Minor Misconduct Complaint - A complaint based on allegations of minor misconduct by employees of the department. Examples of minor misconduct include rudeness or verbal abuse

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by an officer, traffic infractions by an officer, minor rules and regulations violations, etc. Another determinant of minor misconduct is that the alleged action, if sustained, could result in disciplinary action ranging from verbal counseling to a letter of reprimand.

Preliminary Investigation - A fact-finding investigation designed to assist a supervisor in determining whether a complaint should be handled through the process of informal inquiry or internal investigation.

Procedural Complaint - A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and department policy; e.g., complaints over towing vehicles, 2-5 parking, traffic enforcement, etc.

Serious Misconduct Complaint - A complaint based on allegations of serious misconduct by employees of the department that, if sustained, could result in disciplinary action to include suspension, dismissal, and/or criminal charges.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Assistant Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms (APD Form #155) will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

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1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall accept the complaint and conduct a preliminary investigation into the matter to determine whether the complaint alleges serious or minor misconduct or is procedural in nature. Depending on the urgency of the allegation, the receiving supervisor may also forward the complaint to the involved officer's immediate supervisor for completion of the preliminary investigation.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

This department will investigate all false claims made against its law enforcement officers. Knowingly making a false complaint against an officer may subject the complainant to a Class A forfeiture (Wis. Stat. § 946.66; Wis. Stat. § 66.0511).

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

1010.5.1 ANNUAL REVIEW

Annually, the supervisor responsible for the internal affairs function shall conduct a review of all complaints to determine any patterns or tendencies that may need to be addressed. The results of the annual review shall be documented and forwarded to the Chief of Police or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or Assistant Chief investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

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(a) Ensuring that upon receiving or initiating any formal complaint, a preliminary investigation is completed.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will consider making a personnel entry in Spillman if the incident warrants documentation.

(d) Promptly contacting the Patrol Lieutenant's Captain for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination. The Captain shall contact the Chief of Police and Department of Human Resources, as necessary.

(e) Investigating an Informal Complaint, as follows:

1. The decision to resolve a personnel complaint through informal means shall be made following a preliminary investigation into the alleged misconduct or procedural concern and a determination that the matter does not involve serious misconduct.

2. The informal complaint process may involve mediation of the complaint with the citizen or reporting party, but will always involve an interview with the identified employee.

3. Prior to interviewing an employee regarding his or her involvement in a complaint alleging minor misconduct or a procedural concern, the inquiring supervisor shall advise the employee of the nature of the allegation and that the intent is to resolve the matter through the informal complaint process. The employee shall be permitted to have representation if he or she desires.

4. Make a determination regarding the final disposition of the complaint, notify the employee and complainant of the final disposition of the complaint, take any appropriate corrective action, and make any necessary entries into the Spillman.

(f) Investigating a Formal Complaint, as follows:

1. The decision to address a personnel complaint through formal investigation shall be made following a preliminary investigation into the alleged misconduct.

2. Upon determining through preliminary investigation that a personnel complaint involves an allegation of serious misconduct or some minor misconduct allegations, the supervisor shall notify the Assistant Chief. This notification shall occur as soon as practical.

3. Once received, the Assistant Chief or designee shall conduct a thorough investigation, documenting it on an Internal Affairs Investigations form (APD form #196) and provide status reports to the Chief every ten business days until completion.

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4. The command staff should be aware of the emotional impact of an investigation on the employees involved. Employees will respond differently to an investigation and referrals to mental health resources should be considered.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to members covered by the Law Enforcement Officers' Bill of Rights.

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, they shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Appleton Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member should be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)).

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) If the investigation is not criminal, Miranda Rights are not required. The employee has no Sixth Amendment right to counsel, as the interview does not serve criminal prosecution.

(h) A digital copy of the interview will be included in the file even if it is also transcribed. Transcription is not mandatory.

(i) In a situation where a formal investigation has been suspended in lieu of a criminal investigation, the employee shall be afforded rights consistent with a standard criminal investigation.

(a) The investigating supervisor shall advise the employee of their Miranda rights.

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(b) The investigating supervisor shall advise the employee that if they assert theirr rights not to answer questions, no adverse administrative action will be taken based upon the refusal.

(c) If the employee decides to answer questions after being advised of their Miranda rights, the responses may be used in both criminal and administrative proceedings.

(j) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement (APD form 154). Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(k) The interviewer should record all interviews of members.Witness interviews may also be recorded. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview should be provided to the member prior to any subsequent interview.

(l) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(m) All members shall provide complete and truthful responses to questions posed during interviews.

(n) No member should be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (Wis. Stat. § 111.37).

(o) A member shall not be disciplined, retaliated against or threatened with retaliation for exercising his rights as described in this policy (Wis. Stat. § 164.03).

(p) Upon the order of the Chief of Police or designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

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(q) Upon the order of the Chief of Police or designee, employees will submit financial disclosure statements in accordance with state and federal laws only in connection with a complaint in which this information is material to the investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Report Headings - Include the complaint number, the nature of each alleged violation, the identity of the members, the identity of the assigned investigators, the initial date, location, and source of the complaint.

Summary -Provide a brief summary of the investigation along with the evidence relevant to each allegation.

Investigation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section. A recommendation regarding further action or disposition should be provided at the end of the investigation.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Policy failure - The investigation reveals the allegations are true; however, the employee was acting in accordance with established department policy.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation.

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1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
In the event a formal investigation will take more than 30 days to complete, the assigned supervisor shall provide the complainant with a status report and will continue to do so at 30 day intervals, thereafter.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

When ordered by the Chief of Police, employees shall be required to submit to any additional medical and laboratory examinations specifically directed and narrowly related to a formal investigation of the employee's performance or fitness for duty. There will be no cost to the employee. If the investigator determines the investigation is likely to result in criminal charges being brought against the employee under investigation, the investigator shall confer with the City Attorney's Office before proceeding under this section.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator from ISU shall be assigned to investigate the criminal allegations apart from any administrative investigation. The Investigative Services Unit Coordinator shall ensure that liaison is maintained with the district attorney's office in investigations involving alleged criminal conduct on the part of an employee. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

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A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Appleton Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1010.10.1 ASSISTANT CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Chief shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Assistant Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Assistant Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Assistant Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Assistant Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

    (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

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(b) If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed a response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds, scope, reasons for discipline, and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

The Chief of Police shall file a report with the board of commissioners immediately upon issuing a suspension or discharge of a member (Wis. Stat. § 62.13(5); Wis. Stat. § 62.50(13)).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the investigative findings and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

Once the member has completed their response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

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1010.13 POST-DISCIPLINE APPEAL RIGHTS

A non-probationary employee may have the right to appeal the imposition of a disciplinary suspension, transfer, demotion or termination as provided in a collective bargaining agreement, local ordinance or police commission rule (Wis. Stat. § 62.13(5)(i); Wis. Stat. § 62.50(13); Wis. Stat. § 59.26(8)(b)(6)).

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

1010.16 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded, policy failure) of the complaint.

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Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and Wis. Stat. § 347.48.

1011.2 POLICY

It is the policy of the Appleton Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Wis. Stat. § 347.48(2m)).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement (Wis. Stat. § 347.48(2m)(dm)).

1011.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Wis. Stat. § 347.48(4)(am)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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When the physical or medical needs of a child at least 4 years old make restraint by seat belt unreasonable, the child may be transported in an authorized emergency vehicle when the vehicle is being operated in the performance of official duties (Wis. Admin. Code § Trans 315.03(2)).

1011.5 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1011.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Appleton Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Department shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Appleton Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised. Officers are also on a 5-year rotation for replacement of body armor.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear department-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action, to include wearing body armor in high-risk situations.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.

(e) An officer may be excused from wearing body armor when the officer is involved in undercover or plainclothes work that the officer's supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs the maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Wisconsin (Wis. Stat. § 19.36(10)). The Human Resources Department will maintain Primary Personnel Files, Secondary Personnel Files, Pre-Employment Files, Medical Files and other miscellaneous files for all City of Appleton employees.

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum (Wis. Stat. § 165.85):

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment (Wis. Stat. § 103.13).
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. After the evaluation is complete, the documents may be destroyed or returned to the employee to dispose or retain.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Professional Development Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Professional Development Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Professional Development Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

All department employee records pertaining to training will be maintained at the Appleton Police Department until the employee terminates their employment, at which time all files will be forwarded to the Human Resources Department for retention.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Assistant Chief in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Assistant Chief.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

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(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.

(e) Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Mayor, City Attorney or other attorneys or representatives of the City in connection with official business.

Members approached with requests for personnel information on current employees or background information on past police applicants/candidates shall direct such inquiries to the Human Resources Department.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records (Wis. Stat. § 19.31 et seq.).

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file, and the affected employee will be notified in writing prior to access and within three days after the decision is made to permit access (Wis. Stat. § 19.356(2)(a)).

1013.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

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1013.8.3 BACKGROUND REQUESTS
The Department shall release personnel records as set forth in Wis. Stat. § 165.85 to another agency submitting a waiver from a candidate. The requested personnel records should be supplied within 21 days of the receipt of the waiver. The Department should not release a candidate's personnel records if it is prohibited from providing the records under a binding nondisclosure agreement that was executed before November 7, 2021.

1013.9 MEMBER ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to their own personnel records during the normal business hours of those responsible for maintaining such files twice in a calendar year or as otherwise provided in a collective bargaining agreement. If doing so requires the member to take time off work, arrangements for an alternate reasonable time should be made for the member to access the files. The Department will grant the inspection within seven working days (Wis. Stat. § 103.13).

Any member seeking the removal or correction of any item from their personnel records shall file a written request to the Chief of Police through the chain of command. The Department may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed or changed. If the contested item is not removed or changed, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (Wis. Stat. § 103.13).

Members may obtain a copy of the information or part of the information contained in their file (Wis. Stat. § 103.13).

A member who is involved in a current grievance against the Department may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (Wis. Stat. § 103.13).

Members may be restricted from accessing files containing any of the following information (Wis. Stat. § 103.13):

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

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(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

(i) Medical records where it would have a detrimental effect on the member, in which case the Department may release the medical records to a physician designated by the member so that the physician may release the medical records to the member.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Appleton Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the Appleton Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1014.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.4.1 DEPARTMENT MEMBER DOCUMENTATION AND SUBMISSION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act.
2. For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

The written recommendation describing the individual's actions should be forwarded through the person's unit commander. The unit commander shall promptly forward the recommendation, with an accompanying position on the recommendation, to the Award's Committee chairperson for distribution to the Committee members.

The Awards Committee will meet at least quarterly to consider the recommendations, or as determined by the chairperson.

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An individual cannot submit a recommendation or advocate for an award through another party, if he or she would be the recipient of the award. An Awards Committee member may be considered for an award but will not take part in Committee deliberations regarding the award.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1014.4.3 AWARDS COMMITTEE

The Chief of Police will appoint an Awards Committee comprised of seven employees who represent the various units and ranks within the Department. One of the seven shall serve as the committee chairperson. They will be responsible for preparation of the narratives read for each recipient at the awards ceremony. The Chief shall determine the committee chairperson.

The committee will consist of members of the following units:

- 1-Patrol Lieutenant (Committee Chair)
- 1-Patrol Officer
- 2-Investigative Services Unit
- 1-Civilian Staff
- 2-At Large

A quorum of five members is necessary to hold a meeting. A simple majority vote of the Committee members present is required to approve, disapprove, or modify an award recommendation. The Committee's decision, accompanied by the original award recommendation, will be forwarded to the Chief of Police for final action, as the Chief deems appropriate.

The committee chairperson shall be responsible for procuring any awards authorized by the Chief and in coordinating an official presentation of the awards.

Each member of the committee, with the exception of the Lieutenant, will be appointed for a two-year term of service, rotating out two at a time alternately, as follows:

(a) Patrol officer, civilian employee, and (1) at large employee rotate even years.

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(b) Two investigative services officers and (1) at large employee rotate odd years.

1014.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. The information considered by the Awards Committee includes, but is not limited to:

(a) The significance with which the action, achievement, or service improved the Department's ability to accomplish its mission.

(b) Whether the action clearly goes beyond the normal scope of one's duties and responsibilities.

The Committee will determine if additional statements or witnesses are needed to supplement the written recommendation.

These awards include:

- **Medal of Honor, Posthumous** – Presented to the family of a member who is killed in the line of duty, or who dies as a result of wounds or injuries received in the line of duty.
- **Medal of Valor** – Presented for the performance of duty under extraordinary circumstances, requiring exceptional courage in the face of unusual danger, and at imminent personal hazard to life.
- **Police Star Medal** – Presented for the performance of duty under unusually hazardous or life-threatening conditions to prevent criminally violent acts or to apprehend criminally violent persons who pose a significant threat to the immediate safety and security of this community.
- **Officer of the Year** – Presented to a sworn member of the Operations Division of the Police Department for an exemplary level of outstanding service to the community that spans an entire year. The basis for the award may be a single, continuous activity of such duration or a series of activities all evincing the same high quality of performance.
- **Investigator of the Year** - Presented to a sworn member of the Investigations Division of the Police Department for an exemplary level of outstanding service to the community that spans an entire year. The basis for the award may be a single, continuous activity of such duration or a series of activities all evincing the same high quality of performance.
- **Supervisor of the Year** - Presented to a supervisor for an exemplary level of leadership and outstanding service to the community that spans an entire year. The basis for the award may be a single, continuous activity of such duration or a series of activities all evincing the same high quality of performance.
- **Sgt. Arnie Nettekoven Lifetime Service Award** - Presented to a current or former employee who has demonstrated a significant commitment to the community. Their service has contributed to the betterment of the Appleton Police Department and the community at large. The basis of this award may be from service completed during any combination of their career, volunteer work, and military service. This award is not for a single act but is considered the highest recognition for a lifetime commitment to service over many years. Recipients may be awarded posthumously. This award should not be considered a yearly award and prior recipients are not eligible.

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- **Life Saving Medal** – Presented for performance of an act, which through disregard of personal safety or prompt and alert action, under unusual circumstances, saves or endeavors to save the life of another.
- **Distinguished Service Medal** – Presented for the exemplary performance of outstanding service to the Department that is above and beyond the call of duty and which brings unusual acclaim to the employee, the Department, or the profession of policing. The service may consist of the performance of an individual act or a task, mission or assignment demonstrating unusual thoroughness, conscientiousness, determination, skill and initiative.
- **Humanitarian Award** – Presented for the performance of service or series of acts demonstrating a high level of compassion for others in the community. These acts of caring and compassion are performed by an officer going well beyond the line of duty, dedicating extraordinary time and/or effort in meeting the needs of an individual or group.
- **Meritorious Service Award** – Presented for excellence in a particular assignment or task, or for a continuing level of service characterized as outstanding and worthy of commendation. Such conduct is similar to, but does not rise to the level of distinguished service, but is more meritorious than that demonstrated for a Commander's Commendation.
- **Team Award** – Presented for excellence in a particular assignment or task, or for a continuing level of service characterized as outstanding and worthy of commendation by a team of officers. A team should be considered two or more officers collaborating on a problem solving task, single event, or a long-term project.
- **Ten Year Longevity Award** – Presented to officers who have completed ten years of service with the Appleton Police Department. Subsequent periods of ten years will be recognized by the addition of oak leaf clusters.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1014.5.1 OTHER AWARD OPTIONS

Other options exist for recognition. These awards do not need to be formally recommended to the Awards Committee but can be directly awarded by the Chief of Police, Assistant Chief, or District Captains for noteworthy work by officers or civilian(s).

The Awards Committee may also recommend one of the following awards in lieu of an official commendation:

- **Letter of Commendation** – Presented, in the form of a letter, by any supervisor of the Department in recognition of some noteworthy accomplishment by a Department member. One copy will be forwarded to the Assistant Chief and one to the City of Appleton Department of Human Resources for inclusion in the employee’s personnel file.
- **Commander’s Commendation or Coin** – This award may be initiated by any supervisor, of the rank of Captain or higher, to an employee of the Department for

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exceptional performance of specific duties. This award may be presented to the recipient by the issuer during a regular unit meeting, roll call, or other gathering, and in the presence of his or her fellow unit members. The award will be in the form of a printed certificate provided by the Department.

Non-sworn staff members and citizens are vital to the police mission success. The following awards should be considered for outstanding service to the Appleton Police Department:

- **Volunteer of the Year** – Presented to a volunteer of the APD's Volunteer in Police Service program for a dedicated level of volunteer service to the community that spans an entire year. The basis for the award may be a single event or a continuous activity that aids the APD in the accomplishment of its mission.
- **Employee of the Year** - Presented to an Appleton Police department civilian employee for an exemplary level of outstanding service to the community that spans over an entire year. The basis for the award may be a single, continuous activity of such duration or a series of activities all evincing the same high quality of performance.
- **Civilian Medal of Gallantry** – Presented to a civilian for assistance with apprehending a criminal, or in extending oneself beyond one's own safety to provide prompt action to aid people who are in danger, or in aiding the Department in the accomplishment of its mission.
- **Civilian Community Service Award** – Presented to an individual or an organization for assistance with a singular event or on-going project that aids the Police Department in the accomplishment of its mission.

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Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Wis. Admin. Code § LES 2.01(1)(g)).

1015.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform their respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform their duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform their duties.

In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

In conjunction with the Patrol Lieutenant or the employee's Captain, a determination should be made whether the employee should be temporarily relieved from duty.

The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

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1015.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Lieutenant or unit supervisor and with the concurrence of the Chief of Police, any employee whose actions or use of force in an official capacity result in death or serious physical injury to another shall be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources, and at no cost to the employee, to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places their condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.

(d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.

(e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume their duties.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than 16.5 hours in a one-day period (24 hours).

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Except in very limited circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

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Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1016.2 POLICY

It is the policy of the Appleton Police Department to provide, in compliance with federal law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1017.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis usually on Thursday, with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Monday morning before the end of the pay period, unless specified otherwise.

1017.1.3 PAYROLL RECORDS RETENTION

The Department shall make and keep for at least three years payroll records for each employee that contains the required statutory information (Wis. Admin. Code DWD § 272.11(1)).

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Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement and the City's Administration Policy or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a request for overtime payment as soon as practicable after overtime is worked. Captains and lieutenants may also receive compensation for working overtime on grants, off-duty police services, avenue detail, SWAT related incidents, major case investigations, transports, time in court, prisoner guard duty, and some posted special events.

1018.1.1 DEPARTMENT POLICY

It is the policy of the Appleton Police Department to provide overtime compensation to employees in a fiscally responsible manner, and in accordance with federal and state law, collective bargaining agreements, and the City’s Salary Administration Policy.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor.

The individual employee may request compensatory time in lieu of receiving overtime payment. However, the employee may not exceed the number of hours compensatory time identified in the collective bargaining agreement and the City's Administration Policy.

1018.1.2 AUTHORIZING OVERTIME

Overtime is allowed under the following circumstances:

(a) When employees are recalled to work as defined by their respective labor agreement or the City's Salary Administration policy.

(b) When employees are held over beyond their normal work shift as defined by their respective labor agreement or the City's Salary Administration policy.

(c) When employees are scheduled for a work activity outside of their normal work schedule, as defined by their respective labor agreement or the City's Salary Administration policy.

(d) When employees are required to work while on vacation or PTO.

(e) Employees may be allowed to work overtime for special events and contracted services while on Family Medical Leave (FMLA) if the leave is for their family member or other FMLA qualifying events unrelated to themselves.

(f) Employees on FMLA can work overtime if it relates to subpoena/court.

Overtime is generally not allowed under the following circumstances:

(a) While on a leave of absence with pay, including sick leave, military leave, and FMLA leave for their own health condition.

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(b) While receiving Worker's Compensation.

(c) While on OTO or restricted duty.

(d) During the first two hours of off-duty police activity engaged in while operating a one-to-one police vehicle. To be eligible for overtime compensation beyond the first two hours, the officer must obtain supervisory approval.

1018.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Fiscal Resources Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline. Overtime shall only be approved and used when no other alternatives are available or practical.OVERTIME COMPENSATION REQUESTS PROCEDURE

1018.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the overtime request form (APD Form #27) immediately after working the overtime and submit it to their immediate supervisor or the Patrol Lieutenant. An employee's signature on the form verifies the information is correct and authenticates the request for compensation.

1018.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request and signing the form.

1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., three hours for call-in).

1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded to the nearest six minutes.

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Outside Employment

1019.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee collective bargaining agreement.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application (APD Form #108) that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration. The Chief of Police will review the request and rule on its approval. The Chief may establish guidelines or restrictions, as deemed appropriate or necessary.

The original request will be forwarded to Human Resources for inclusion in the employee’s personnel file. Copies of all requests, whether approved or denied, will be retained in the office of the Chief and provided to the employee and the employee’s Unit Commander.

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Upon approval of outside employment, the employee shall provide their working hours/schedule to their supervisor. Throughout their outside employment, employees shall continue to keep their supervisor apprised of any changes to their outside employment schedule and/or status.

Requests for outside employment by full-time probationary employees are discouraged; however, they will be evaluated on a case-by-case basis by the Chief.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievances Policy or the procedure set forth in the current collective bargaining agreement.

1019.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at their discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

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(a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(e) Involves the representation, sale, distribution or dispensing of alcohol. Business involvement or interest, other than direct employment, may be permitted in these endeavors if the business is located entirely outside the City of Appleton.

(f) Involves insurance adjusting at any establishment or entity within Outagamie, Calumet or Winnebago counties.

1019.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer shall wear the department uniform/identification.
2. The officer shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.

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4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the respective unit's supervisor, undercover officers or officers assigned to covert operations may not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1019.4 OUTSIDE OVERTIME

The City of Appleton has established a program that permits individuals, businesses or organizations with an interest in obtaining unique police services to contract with the City for the services of a police officer. Participation in this program is not mandatory. Officers may elect to participate in this program at their discretion.

The following guidelines apply to the program:

(a) Officers will be compensated at the overtime rate in pay.
(b) Compensation will be in the form of pay only. Officers will not be permitted to accumulate compensatory time off.
(c) Officers will be covered by city liability insurance and Worker's Compensation.

The types of employment permitted by this program include, but are not limited to:

(a) Transports, on behalf of another agency, of individuals taken into protective custody.
(b) Policing special events.
(c) Providing security at private retailers during busy periods.
(d) Providing security at places of worship.

The Operations Coordinator will administer this program, to include:

(a) Establishing a sign-up list of officers willing to work contracted policing assignments.
(b) Processing requests for assignment of officers or other personnel for specific events included in this program.

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1. Organizations may not request a specific officer.
2. Requests for transports of people taken into protective custody will be directed to the Front Desk, where a text group of names of participating officers will be maintained.

(c) Assigning officers to these events from the sign-up lists.

1. With the exception of transports, assignment will be first offered to the interested officers having worked the fewest hours of contracted police employment.
2. In the event two or more officers have worked the same number of hours of contracted police employment, the most senior officer will be selected.

(d) Maintaining records on the nature of all contract policing assignments, the number of hours of contract policing service provided, and the names of the individuals and/or organizations requesting these services.

Officers working contracted police employment are not required to complete an Outside Work Request Form. With the exception of transports, contracted police employment will only be permitted within the city limits of Appleton.

1019.5 VOLUNTEER WORK

When an employee is interested in volunteering their time to an organization, and it requires that they function as a police department employee, a request will be submitted to the Chief of Police detailing the event and expected duties.

If the request to work as a volunteer is approved by the Chief of Police, the employee will be covered by the City liability insurance and any claims filed will be reviewed by the City's third party administrator based on the specifics of the incident to determine whether the claim will be covered as work related. Should the Workers Compensation claim be denied, the Chief of Police may bring the claim to the Administrative Services Committee to request that it be covered.

1019.6 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.6.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records

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for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

1019.7 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates their outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1019.8 OUTSIDE EMPLOYMENT WHILE ON FMLA, DISABILITY, OR ADMINISTRATIVE LEAVE

Department members who are engaged in outside employment and are placed on disability, FMLA, administrative leave, or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved application be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advice.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The outside employment is not compatible with the reason the employee is on administrative leave.

(d) The employee failed to make timely notice of his/her intentions to his/her supervisor.

When the disabled employee returns to full duty with the Appleton Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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1019.9 DEPARTMENT POLICY COMPLIANCE

Any officer engaged in secondary outside employment is required to comply with all department policies and processes.

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Occupational Disease and Work-Related Injury Reporting

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any mental or physical harm to an employee caused by accident or disease (Wis. Stat. § 102.01(2)(c)).

1020.2 POLICY

The Appleton Police Department will address occupational diseases, some mental health issues and work-related injuries appropriately, and will comply with applicable state worker's compensation requirements (Wis. Stat. § 102.01 et seq.).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (Wis. Stat. § 102.12).

1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding worker's compensation are completed and forwarded promptly. Any related City-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Safety and Health Program policies apply and take additional action as required.

1020.3.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1020.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for worker's compensation reporting shall be documented on the designated report of injury form, which shall be signed electronically by a supervisor. A copy of the completed form shall be forwarded to the

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Investigations and Community Resource Unit Commander and the City of Appleton Human Resources Department.

1020.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1020.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Extreme hairstyles are prohibited. The bulk or length of the hair shall not interfere with the uniform hat. For male sworn officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn officers, there is no limit to the length of the hair. However, once the hair reaches a length where it could obstruct the field of vision, it shall be secured. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be rectangular, trimmed, and neat.

1021.2.4 FACIAL HAIR

Neatly trimmed full beards and goatees are permissible. The guidelines for full beards and goatees include:

(a) Facial hair shall be maintained at a reasonable length and must be worn with a mustache.

(b) Goatees cannot extend beyond a ½ inch from the corner of the lips and must be connected in a circle.

(c) Goatees and beards cannot extend into the neck area.

(d) Any facial hair styles not listed above are prohibited. Prohibited styles include: a chin strap beard, stubble, beard without a mustache, a patch of hair directly below the lower lip, or a goatee without a mustache.

(e) Supervisors shall insure officers choosing to wear a beard or goatee are in compliance with this policy. If a supervisor determines an officer's facial hair is not in compliance,

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or is not at a reasonable length, the supervisor may direct the officer to remove all facial hair until compliance can be achieved.

(f) Officers choosing to wear a beard or goatee shall have a shave kit readily available in the event the officer is ordered to shave or required to attend an unplanned event which requires a clean-shaven appearance.

1021.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1021.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and can be worn only in or on the earlobe. Nose rings are prohibited.

(c) Wristwatches shall be conservative and present a professional image.

(d) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

(e) Supervisors have the authority to address accessories that do not comply with professional uniform standards.

1021.3 TATTOOS

While on-duty or representing the Appleton Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art on the head, neck (above the collarbone), scalp, face, or fingers (other than a wedding ring). At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include, but are not limited to, those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

Any marking that is not approved shall be covered if the employee is reasonably likely to be in contact with the public. Employees can appeal the command staff's decision to the Chief of Police, who will make the final determination. If one arm or leg needs to be covered, the other must also be covered for uniformity of appearance. Employees can choose a bandage or an arm/leg sleeve to cover a marking. Only flesh-colored bandages are authorized to be used as covers.

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1021.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding, scarification, or stretching of the earlobes (gauges) or other parts of the body.

1021.5 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

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Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the Appleton Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

It is the policy of the Appleton Police Department that employees shall maintain a high standard of personal appearance while performing their duties for the City of Appleton. Uniformed personnel shall wear only uniforms, accessories and equipment authorized in this policy and in the manner prescribed by the policy. Non-uniformed personnel shall select and wear clothing as directed by this policy or the City of Appleton Business Dress Code policy.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others.

(e) Employees shall not permit the uniform to be reproduced or duplicated.

(f) The appearance of the authorized uniform shall not be altered or modified, to include insignia or decoration worn on the uniform, unless authorized by the Chief. The uniform may be altered for fit purposes.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(h) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events or when authorized by the Chief of Police.

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(i) The supervisor on-duty may establish a uniform of the day to address exceptional weather, duty conditions, or assignment.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(k) Uniformed employees are expected to exercise sound judgment in selecting the appropriate duty uniform from the authorized list of uniform items based upon their assignment and the season of the year.

1022.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their supervisor.

1022.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy. Refer to the Authorized Uniforms and Equipment procedure for additional information.

UNIFORM PROCEDURE

UNIFORM ACCESSORIES, INSIGNIA AND EQUIPMENT PROCEDURE

1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with a long-sleeve shirt and tie, pants without the side cargo pocket, and polished shoes.

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

1022.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long- or short-sleeve shirt may be worn with the collar open. No tie is required.

(b) A navy blue or black crew neck undershirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

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(d) Shoes for the Class B uniform may be as described in the Class A uniform.

(e) Boots with pointed toes are not permitted.

(f) A navy cargo type pant may be worn.

Unit commanders may authorize or direct officers to wear specific clothing that deviates from this policy if it is determined to be appropriate to their current assignment (e.g., shirts and ties for Investigators/SRO's). Commanders shall weigh officer safety, functionality, and the image of the organization in making this decision.

1022.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as the canine team, SWAT, bicycle patrol, and other specialized assignments.

1022.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.

(b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2-inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, an authorized sewn-on cloth nameplate, or the approved velcro nameplate shall be worn at all times while in uniform. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment insignias, (e.g., SWAT and FTO) may be worn as designated by the Chief of Police or the authorized designee.

(f) An American flag pin may be worn, centered above the nameplate.

(g) The department-issued badge or an authorized sewn-on cloth replica must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.

(h) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or the authorized designee may authorize exceptions.

1022.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

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(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region peace officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police or the authorized designee.

1022.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style. Shirts will be tucked in. Belts will be worn.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) Pullovers with department insignia or unit logo may be worn when appropriate.

(e) The following items shall not be worn on-duty:

1. T-shirt alone
2. Open-toed sandals or thongs
3. Swimsuit, tube tops or halter tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins
6. Shorts
7. Sweatshirts, sweatpants or similar exercise clothing

(f) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(g) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Appleton Police Department or the morale of the employees.

(h) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

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(i) A supervisor may challenge the quality, condition, or appropriateness of an employee's attire and may direct an employee to bring his or her attire into compliance with this policy.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Appleton Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Appleton Police Department to do any of the following (Wis. Stat. § 164.015):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or on any motion picture, film, video, public broadcast or on any website. This does not include recordings made and used without an officers knowledge or permission.

1022.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Appleton Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Appleton Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

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1022.9 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).

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Police Cadets

1023.1 PURPOSE AND SCOPE

Police Cadets work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement. The purpose of this policy is to describe the role of Appleton Cadet Post 9925.

Appleton Police Cadet Post 9925 is a program sponsored in conjunction with Public Safety Cadets. The goal of the program is to have young adults aged 15 to 21 (age 14 if they have completed eighth grade) gain a better understanding of the opportunities which can be provided in law enforcement.

Selected youth leaders run the program under the guidance/oversight of adult advisors. The Cadets participate in activities related to citizenship, career opportunities, life skills, character education, and leadership experience. These activities enhance Cadet preparation for future roles as citizen community members, and prospective law enforcement officers.

1023.2 MEMBERSHIP REQUIREMENTS

Cadets is a coed program with equal opportunities available to male and females. Further, the Department does not discriminate on the basis of race, gender, cultural background, appearance, mental or physical impairment, sexual orientation, socioeconomic standing, educational background, religious beliefs, or political affiliation.

Applicants to the program must pass a background check to be conducted by the Lead Post advisor or designee, a written test, and an oral interview conducted by the youth officers. Negative police contacts or lack of maturity may result in the application being denied. The final decision as to the acceptance or denial of an applicant rests with the Lead Post advisor.

Police Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken, consistent with the policies in the Cadet policy manual. Failure to maintain the minimum grade point average could result in the Cadet being removed from the post.

1023.3 PROGRAM COORDINATOR

The SRO Lieutenant will serve as the program coordinator, as delegated by the Chief of Police. The program coordinator will be responsible for tracking the educational and job performance of Cadets as well as making their individual assignments throughout the Department. The program coordinator will also monitor the training provided for all Cadets and review all decisions affecting job assignments, school attendance and performance evaluations.

1023.3.1 PROGRAM ADVISERS

The SRO Lieutenant may select individual officers to serve as advisers for the Cadet Program. These officers will serve as mentors for each cadet. These adult leaders must register with Public Safety Cadets as adult leaders for Post 9925 and are subject to the approval of the Chief of Police. Cadets will bring special requests, concerns and suggestions to their program adviser for advice

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or direction before contacting the program coordinator. One adviser shall be designated as the Lead Advisor.

Public Safety Cadet adult leaders Public Safety Cadet volunteers or a parent, aged 21 years or older, are required on all trips and outings. If the activity is an overnight coeducational trip, leaders of both sexes must be present. For overnight events or trips, an APD employee who is an advisor shall be present as well. This requirement does not apply to routine details and "ride-alongs."

The duties of the advisor or their designee include, but are not limited to:

(a) Prepare for meetings, set agenda and plan programs
(b) Schedule and maintain a calendar of annual events
(c) Train appointed youth leaders and other members
(d) Budget and fund raise
(e) Recruit new members
(f) Coordinate with internal and external agencies for special events
(g) Keep accurate records of attendance, awards, and progress
(h) Provide positive feedback to members, and counsel or discipline when necessary
(i) Supervise and chaperone meetings, trips and activities
(j) Serve as a role model and mentor to the youth

The advisor(s) are expected to coordinate their Cadet involvement with their supervisor so that much of the work can be done during regular duty hours. Time spent at meeting, events, or activities that requires the assistance of the advisor(s) will be compensated on an overtime basis if arrangements can't be made to have the work done on-duty. Prior approval from a supervisor is required. Chaperoning official Cadet activities which are strictly social or recreational in nature are voluntary and will not be compensated, however the employee will be covered under worker's compensation. For longer events such as the EAA Convention, the National Conference, or the annual state competition, the compensation for the advisor(s) should be arranged with the Fiscal Resources Manager prior to the event. Standard durations of hours per each event have been established. Payback hours are generally scheduled in these cases. Advisors are responsible for keeping track of their hours worked at these events.

Up to three advisors, who are department employees, will be allowed to attend the biennial National Law Enforcement Cadet Conference, if youth members of Post 9925 are also attending. The conference is a department sanctioned training event and, as such, the Department will pay fees and employee wages, as outlined above.

1023.4 ORIENTATION AND TRAINING

Newly appointed Cadets will receive an orientation of the organization and facilities before reporting to their first assignment. The orientation will provide the Cadet with hands on training involving traffic direction, radio communication, policies and procedures, public interaction, post

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operations, and the role of the Cadet with the department and community. The orientation can be done by an advisor or by a selected senior Cadet within the post.

On-the-job training will be conducted in compliance with the Cadet training manual. Training sessions will be scheduled as needed to train Cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1023.5 AUTHORITY AND DUTIES

Police Cadets do not possess sworn status and have no more police authority than the average citizen. Cadets have limited access to the Appleton Police Department. Their uniform shall differ from both officers and community service officers. Misuse or misrepresentation of authority or other misconduct by a Cadet shall be communicated to the Lead Post advisor who shall proceed with disciplinary or discharge action, as appropriate, under the rules and regulations of the Post.

Cadets shall only be assigned to assist in non-hazardous situation under the direction and supervision of police officers or Community Services Officers. Duties assigned to Cadets shall be limited to those that do not require sworn status.

Department personnel or community members seeking to utilize the services of the Cadets shall make a request through the Lead Post advisor or designee. Examples of appropriate requests for Cadet assistance include:

- Direction of pedestrian and vehicular traffic at a community event
- Assisting at large-scale emergencies
- Distributing crime prevention information in a neighborhood experiencing an increase in criminal activity

Cadets are prohibited from being utilized in covert or undercover operations, unless approved by the Chief of Police.

1023.6 RIDE-ALONG PROCEDURES

All Cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their Advisor and the appropriate Patrol Lieutenant. Applicable waivers must be signed in advance of the ride-along (APD Form #092). Cadets shall not wear their uniform; but, they are expected to wear appropriate workplace attire while participating on a ride-along. Cadets may not wear their duty belt or any other equipment such as firearms, knives, ECD's, OC, baton, handcuffs, etc. If available, a protective vest can be worn.

Cadets who are under the age of 18 shall not ride-along between the hours of midnight and 6:00am.

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Police Cadets

Before being allowed to participate in a ride-along, the Cadet must be in good standing with Post to include maintaining the required GPA and not be subject to disciplinary action. The Cadet must also have a minimum of 15 volunteer hours.

While on a ride-along, members of the Post will not be acting in any capacity of a Cadet. Cadets are there to observe the officer perform his or her duties to obtain knowledge in the field of law enforcement. While on a ride-along, Cadets shall not participate in interviews, handle evidence, take custody of a subject, or interact with the public in a way that gives the impression they are giving law enforcement advice or opinion. They shall not operate the squad car.

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Nepotism and Employment Conflicts

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1024.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1024.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is a fugitive, registered offender or who engages in intentional violations of state or federal laws.

1024.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify their uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify their uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1024.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the

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Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Department Badges

1025.1 PURPOSE AND SCOPE

The Appleton Police Department badge and uniform patch as well as the likeness of these items and the name of the Appleton Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1025.2.1 FLAT BADGE

Sworn officers may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge they purchased to another officer within the Appleton Police Department.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, they shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(c) An honorably retired officer may keep their flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1025.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee.

(a) Civilian personnel shall not display any department badge except as a part of their uniform, while on-duty, or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any department badge or represent themselves, on- or off-duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge or keep other purchased badges for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably

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retired peace officer. Current officers may purchase additional badges from private vendors for jackets, plainclothes assignments, etc.

Department badges are issued to all sworn uniformed employees and the Animal Control Officer for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated (Wis. Stat. § 946.70).

1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Appleton Police Department. The following modifications shall be included:

    1. The text on the upper and lower ribbons is replaced with the name of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

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Temporary Modified-Duty Assignments

1026.1 POLICY

Refer to City of Appleton policy managed by Human Resources.

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Speech, Expression, and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Appleton Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1027.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Appleton Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1027.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Appleton Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Appleton Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that detracts from or could compromise the safety of any member of the Appleton Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Appleton Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose any product, service, company, or other commercial entity.

(d) Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Appleton Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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Police Chief's Community Advisory Board

1028.1 PURPOSE AND SCOPE

This policy establishes a Police Chief's Community Advisory Board.

The primary purpose of the Board is to provide a forum for discussions with community members regarding law enforcement services to the community. The Board is comprised of community members of the City of Appleton whose life experiences provide for integration of community viewpoints into police department planning and strategies.

1028.2 APPOINTMENT OF REVIEW PANEL

The rotating membership of the board consists of at least 15, but not more than 25, volunteer citizens from the community, the majority being adults but may include AASD high school students or staff, who represent a range of interests and experiences. Members will serve at the discretion of the Chief of Police and may be removed without cause.

1028.2.1 REVIEW PANEL DUTIES

Review panels have specific duties and responsibilities, including that the panel:

(a) Act as a resource for the Chief of Police regarding community needs and concerns and provide a community response to proposed police programs, priorities, and policies.

(b) Assist the Chief and the department in achieving a greater understanding of the nature and cause of community issues.

(c) Assist in educating the community at large about the function and role of the Appleton Police Department.

(d) Attend regularly scheduled meetings.

(e) Be open to honest and respectful discussions about emergent trends in law enforcement that affect the City of Appleton and how the police department is responding.

(f) This Board will have no input or discussion regarding specific employee personnel issues as those fall under the authority of the Chief and/or the Police and Fire Commission.

(g) This Board will act solely in an advisory capacity and is expected to provide input on topics determined by the Chief of Police or topics the Board feels are relevant.

(h) The Chief (or designee) will lead the Chief's Advisory Board meetings and an agenda and minutes will be completed and posted on the Appleton Police Department's webpage.

1028.3 REVIEW PANEL RECORDS

The findings and recommendations of a review panel are public records, unless otherwise declared confidential by state or federal law, and shall be retained in compliance with the organization's records retention schedule.

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Locker Rooms

1029.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each member's rights and privacy are maintained (Wis. Stat. § 175.22).

1029.2 POLICY

The purpose of this policy is to establish guidelines for maintaining the privacy of members while inside a department locker room.

1029.3 SECURITY

Members should not enter a locker room designated for a person of the opposite sex unless:

(a) The locker room is empty of members of the opposite sex.

(b) Members in the locker room give consent.

(c) The entering member reasonably believes there is a medical emergency involving a person unable to consent.

Members who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the member has taken care of personal affairs and has exited.

Situations requiring an immediate conversation regarding the safety or security of another member, person or citizen, will require the member to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, a member of the same sex should enter the locker room to obtain information from the member.

1029.4 PRIVACY

At no time will video recording devices be used.

At no time will a member capture, record or transfer video or audio recordings, either openly or in secret, of another member by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones.

Members who violate this policy are subject to discipline up to and including termination.

1029.5 LOCKER ASSIGNMENTS

Locker rooms are available for use by department employees. It is the responsibility of individuals assigned a locker to keep their personal items within the locker, to keep the locker clean, and to lock the locker at all times. Items left on the floor or benches will be placed into a lost and found locker located within the respective locker room. Items not claimed from the lost and found locker within 30 days will be discarded. Lockers rooms must remain clean at all times. Employees are responsible for keeping this space in a respectable condition at all times.

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Locker Rooms

In connection with the City of Appleton Privacy Policy, all lockers are subject to inspection and may be opened for business purposes at any time. Lockers are provided with an assigned lock, which must be used for the designated locker. Replacement locks are available from the Chief's Executive Assistant. Unauthorized locks will be removed.

Locker assignments will be made in the following order:

(a) All sworn personnel will be assigned one locker in the appropriate locker room.

(b) SWAT (Special Weapons and Tactics) members are assigned a locker in the SWAT ready room.

(c) Non-sworn civilian employees required to wear uniforms may request the assignment of a locker. If a locker is available, one will be assigned by the Chief's Executive Assistant.

(d) Full time civilian employees may request the assignment of a locker and if a locker is available, one will be assigned by the Chief's Executive Assistant.

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Safety and Health Program

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Appleton Police Department, in accordance with the requirements of Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.15.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1030.2 POLICY

The Appleton Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain a Safety and Health Program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1030.3 SAFETY AND HEALTH PROGRAM

The Assistant Chief is responsible for developing a Safety and Health Program that shall include (Wis. Admin. Code § SPS 332.203):

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

(f) Establishing a process to ensure illnesses and injuries are reported as required under Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

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1030.4 ASSISTANT CHIEF RESPONSIBILITIES

The responsibilities of the Assistant Chief include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the Safety and Health Program.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the safety and health program guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following (Wis. Stat. § 101.055):
    (a) Maintenance of records related to work-related injuries, illnesses and exposure to toxic/harmful substances.
    (b) Prompt notification to employees of qualifying exposures.
    (c) Notification to employees of their protections and rights regarding employee safety, including posting a summary of these protections and rights at the Department.
    (d) Assistance is provided to inspectors of the Wisconsin Department of Safety and Professional Services and required information is provided to them.
    (e) Notification is made to collective bargaining units of inspections by the Wisconsin Department of Safety and Professional Services.
    (f) Protection is provided to employees exercising their rights related to reporting safety issues.
    (g) Meet or exceed Public Employment Safety and Health requirements of Wis. Admin. Code § SPS 332.15 et seq. to include:
        1. Communicable diseases (Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.15).

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2. Respiratory protection (29 CFR 1910.134; Wis. Admin. Code § SPS 332.15).
3. Emergency Action Plan (29 CFR 1910.38; Wis. Admin. Code § SPS 332.15).

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the health and safety plan.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with the Safety and Health Program guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Assistant Chief.

(e) Notifying the Assistant Chief when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1030.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when

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observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented by an email to the Records Manager via the chain of command.

The Records Manager will take appropriate action to ensure the Safety and Health Program addresses potential hazards upon such notification.

1030.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Safety Committee shall ensure that the appropriate documentation is completed for each inspection.

1030.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall contact a supervisor if an unsafe condition cannot be immediately corrected.

1030.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

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Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.9 TRAINING

The Safety Committee should work with the Professional Development Coordinator to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1030.9.1 TRAINING TOPICS

The Professional Development Coordinator shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

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1030.10 RECORDS

Records and training documentation relating to the Safety and Health program will be maintained in accordance with the established records retention schedule.

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Employee Death or Serious Injury

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Appleton Police Department in the event of the death of a member occurring in the line of duty, off-duty, or the death of a retiree, and to direct the Department's response and support for the survivors.

The Chief of Police may also apply some or all of this policy in situations where members suffer a serious injury.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Beneficiary - A person or persons designated as the recipient of funds or other property under a will, trust, insurance policy, or as designated by law.

Benefits - Financial payment or entitlement, in accordance with a labor agreement and/or insurance policy or other legal source, available to the designated beneficiary to assist with financial stability following the loss of a loved one.

Care Coordinator - A person or persons assigned to coordinate mental health responses and services to those affected.

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or any death which qualifies for Public Safety Officer Benefits under the guidelines provided by the United States Department of Justice. Portions of this policy will also apply to the death of a civilian member who dies during the course of performing their assigned duties.

Notification Team – Persons designated by the OIC, who are generally pre-selected by the deceased or injured employee, who are responsible for the initial notification of family members regarding the incident. Additional duties are outlined in the addendum, this team reports directly to the OIC.

Serious Injury - An injury or systemic illness to a current employee, serious enough that hospitalization or time away from the department is ordered by a physician for an indefinite period.

Suicide – Non-Felonious – The act of intentionally killing oneself with no other criminal acts or investigations involved.

Suicide – Felonious – The act of intentionally killing oneself in concert with or connected to a criminal act.

Family Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual’s relationship with the member and whether the individual was previously designated by the deceased member.

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1031.2 POLICY

It is the policy of the Appleton Police Department to make appropriate notifications and to provide liaison assistance and support to surviving family members and coworkers of a member who dies in the line of duty, off-duty, dies by suicide, or who is hospitalized for an indefinite period of time or requires repeated and/or intermittent hospitalization because of a line-of-duty injury or systemic illness.

It is also the policy of this department to recognize that the wishes of the employee's immediate family supersedes those of the department and that the department will honor them if possible.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the on-duty supervisor should provide all reasonably available information to the Chief of Police or designee.

    1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) Upon notification, the Chief of Police or designee will assign an Officer-In-Charge (OIC) to coordinate all departmental functions following the incident.

(c) In the case of a death, the Chief of Police or OIC shall insure the Wisconsin Law Enforcement Death Response Team (LEDR) is notified and is requested to respond.

(d) If the member has been transported to the hospital, a supervisor or their designee should respond to the hospital to assume temporary responsibilities as the Emergency Department Liaison.

(e) The Chief of Police or the authorized designee should assign members to handle survivor notifications and to the roles of Emergency Department Liaison and Family Liaison as soon as practicable.

1031.4 NOTIFYING SURVIVORS

The Chief of Police will designate who will inform the immediate family of the officer's condition or death. Prior to any notification being made, the Chief or his/her designee will review the member's Line-of-Duty Death or Serious Injury Notification Form. Every effort will be made to honor the employee's preferences in this packet in reference to his or her notification. The notification of the immediate family should be made as soon as possible and notifications should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

Notification Team should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

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(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers. If there is knowledge that a serious medical condition exists with a primary survivor, medical personnel will be requested to accompany the officer(s) sent to notify the family.

(d) Safely transport survivors to the hospital, using department vehicles if needed. The team should inform the Emergency Department Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or employment, team members shall actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Family Liaison (see the Family Liaison section of this policy), if known, and the OIC.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the OIC.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Appleton Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The OIC should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The OIC should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

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(b) The OIC may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Officer in Charge

(b) Emergency Department Liaison

(c) Family Liaison

(d) Care Coordinator

(e) Finance Coordinator

Liaisons and coordinators will be directed by the OIC and should be given sufficient duty time to complete their assignments. The OIC shall coordinate with the LEDR Team to determine which assignments will need to be filled by APD employees. The positions listed in this policy and appendix are not mandated and are potentially possible positions that may need to be filled. The majority of the positions will be filled by members of assisting agencies with final approval by the OIC.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The OIC is strongly encouraged to assign separate liaisons teams to accommodate multiple family units, if needed.

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1031.6.1 OFFICER IN CHARGE OIC

The OIC should serve as a facilitator between the deceased member's survivors and the Department. The OIC reports directly to the Chief of Police. Their responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) If the family requests APD involvement with the funeral arrangements, the OIC will work with the Wisconsin Honor Guard Association (WHGA) to coordinate the proper response and location for the funeral.

(d) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensure there is an Honor Watch for any officer whose death is a potential LODD; the officer will never be left alone.

(h) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(i) Coordinating security checks of the member's residence as necessary and reasonable.

(j) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1031.6.2 EMERGENCY DEPARTMENT LIAISON

The Emergency Department Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practical, that any suspects and their families or friends who are in the hospital are not in close proximity to the member's survivors or Appleton Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Emergency Department Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.

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2. The Emergency Department Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Emergency Department Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties in a police report.

1031.6.3 FAMILY LIAISON(S)

The Family Liaison(s) should work with the OIC to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors. This frequently is best accomplished by a team of members, with individual liaisons assigned to each family unit, but coordinating their information so that separate family units are receiving a consistent message at the same time.

The Family Liaison(s) should usually be the individual named in the deceased member's employee packet, or by the Chief of Police or their designee. The following should be considered when selecting the Family Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.
- The liaison must be available at all times to the survivors and agency. It is recommended that during the time frame immediately following the death, up to and through the funeral, they have no other responsibilities or duties.

The responsibilities of the Family Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

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(b) Communicating with the OIC regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Care Coordinator to ensure that survivors have access to available counseling services, including support groups such as Concerns of Police Survivors (COPS).

(h) Coordinating with the department's CRU Lt. or designee to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Community Resource Lieutenant section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Family Liaisons providing services after an incident should coordinate with and support each other through conference calls or meetings as necessary.

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The Department recognizes that the duties of a Family Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

1031.6.4 CARE COORDINATOR

The Care Coordinator will be assigned by the Chief of Police and will work with the liaisons, coordinators and other resources to make services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Care Coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for Critical Incident Stress Management (CISM) and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of Department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Family Liaison(s) to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Family Liaison(s) in the months following the incident to determine if additional CISM or counseling services are needed.

1031.6.5 ADDITIONAL RESOURCES

The death of an employee will significantly impact the agency and its members for years and the agency will need to rely on outside resources to properly respond to and process the tragedy. The Law Enforcement Death Response Team, the Wisconsin Honor Guard Association, and others, will work with the department and survivors to assist as needed. The services include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard

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(c) Pallbearers

(d) Bell/rifle salute

2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Coordinating with local agencies for immediate patrol coverage for the city and to request mutual aid for the funeral service and day of the funeral.

(h) Arranging for additional mental health resources.

(i) Coordinating with other state and federal agencies and service providers as needed depending on the situation.

(j) Providing additional media specialist.

(k) Assisting with Victims Services at the local and State level.

1031.6.6 BENEFITS ASSISTANCE

The Family Liaison will assist the LEDR Teams Benefits Specialist assigned to assist the survivors/ family in obtaining all benefits. The Family Liaison will assist by gathering requested information and ensure the department's full support in pursuing the benefits.

The Family Liaison and the Benefits Specialist should visit with the surviving family to discuss the benefits within a few weeks following the funeral. A prepared printout of the benefit entitlements, listing named beneficiaries, contacts at various benefit offices, and when they can expect to receive the benefits should be given to the family. To ensure understanding, the Family Liaison should follow up within a month after the funeral since the initial meeting may have been clouded with emotion.

A follow up shall be made every six months until the surviving family has received every possible benefit. If there are surviving children from a former marriage, the guardian of those children should also be provided with a printout of benefits to which the child or children are entitled.

The Family Liaison and the Benefits Specialist should accompany the surviving family when meeting with the City's Benefits Coordinator to ensure they understand the possibility of revocation to their health benefits. The City of Appleton requires survivors to contact the City of Appleton Benefits Coordinator within thirty (30) days if they wish to continue coverage (COBRA).

The Benefit Specialist should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities include, but are not limited to:

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(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Death benefits (Wis. Stat. § 102.475)
2. Education assistance (Wis. Stat. § 38.24)
3. Pension benefits (Wis. Stat. § 40.73)
4. Burial expenses (Wis. Stat. § 102.50)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1031.6.7 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Family Liaison to manage financial matters related to the line-of-duty death. The finance coordinator’s responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

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(a) Paying survivors' travel costs if authorized.

(b) Transportation costs for the deceased.

(c) Funeral and memorial costs.

(d) Related funding or accounting questions and issues.

(c) Working with the Family Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1031.7 COMMUNITY RESOURCE UNIT LIEUTENANT

In the event of a line-of-duty death, the department's Community Resource Unit Lieutenant should be the department's contact point for the media. As such, the CRU Lt. should coordinate with the Department Liaison/OIC to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the CRU Lt.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the CRU Lt. should request that the media withhold the information from release until proper notification can be made to survivors. The CRU Lt. should ensure that media are notified when survivor notifications have been made. The names of employees who die by suicide will generally not be released, unless there are exceptional circumstances.

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1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 EMPLOYEE SUICIDE

If an employee dies by suspected suicide the impact on the survivors is significant and should not be underestimated. The department will respond with appropriate resources and services for the employee’s family and co-workers.

Notifications and the assigning of a Family Liaison should be completed as directed in this policy.

The investigation of a suspected suicide of an employee that occurs in the City of Appleton will be done by an outside agency. This will ensure an impartial investigation and will protect our members from having to conduct a very traumatic investigation.

In the case of a Non-Felonious Suicide, the family will be advised of the appropriate funeral protocols. These are generally defined as a Category 2 funeral by the Wisconsin Honor Guard Association.

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If the employee was under investigation at the time of the death, or the suicide appears to be a Felonious Suicide, the Chief of Police will determine the department's involvement in the funeral and will inform the family of the department's involvement in any funeral.

The family's wishes and requests will be followed, as much as possible, by the department.

Unless the incident is exceptionally newsworthy, the department will not release the employee's identity or specific information on the incident to the media. The media will be asked to respect the privacy of the family.

If the family wishes, a TSCC TTY can be sent out regarding the death and funeral arrangements.

1031.12 LINE OF DUTY DEATHS IN OTHER WISCONSIN AGENCIES

When a member of the Appleton Police Department becomes aware of a law enforcement line-of duty death within the State of Wisconsin, they should immediately notify the Chief of Police. If after normal business hours, including weekends or holidays, the highest ranking on-duty supervisor should be notified.

After notification of a Wisconsin law enforcement line-of-duty death by the Front Desk, the Chief of Police or designee may authorize personnel to wear mourning ribbons.

(a) Mourning ribbons may be worn on badges and may be worn by non-uniformed personnel, including civilians, in the form of a looped black ribbon.

(b) Mourning ribbons are generally worn from the day of the notification through the day the deceased is laid to rest.

Flags shall be lowered to half-staff upon notification from the Governor's office.

The Chief of Police, or designee, may authorize funeral participation (in uniform), on or off duty, and the utilization of department vehicles for that purpose.

The Chief of Police may order observances as deemed appropriate, in the event of an unusual line-of duty death occurring outside the City of Appleton.

1031.13 LINE OF DUTY DEATH OR SERIOUS INJURY EMERGENCY CONTACT INFORMATION

During evaluation time each year, every member will be encouraged to update his or her APD_200 Emergency Contact Notification form.pdf. The blue box on page one, EMERGENCY NOTIFICATIONS, is MANDATORY. The update should be recorded on their evaluation. Members are encouraged to share this information with their family so that information is as complete as possible. Upon completion, the form shall be sealed in an envelope with the employee's name on the outside of the envelope.

The information contained on these forms is considered extremely confidential and will not be opened, unless the information is needed at the time of a serious injury or death of a department member.

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Employee Death or Serious Injury

The Line of Duty Death or Serious Injury form (APD Form #200) will be stored in a locked cabinet and maintained in the Communications Unit. This will allow for immediate access by the Chief or designee in the event of an emergency.

Should it be necessary to change information outside of the annual evaluation time frame, it will be the responsibility of the member to contact their Captain to access the form to update it.

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Personnel Activity System (PAS)

1032.1 PURPOSE

This policy establishes a personnel tracking system for the Appleton Police Department.

1032.2 POLICY

It is the policy of the Appleton Police Department to use a Personnel Activity System (PAS) to increase agency accountability, enhance employee opportunities, and achieve organizational success by recognizing employee achievements, track their activity in certain areas, and identify any performance in need of improvement.

Information contained in the Personnel Activity System database shall be used as a tool in the overall mission of staff planning and management. The data shall be utilized in the preparation of various personnel documents, including but not limited to; judgments or recommendations regarding job assignments, performance evaluations, promotions or other comments or ratings related to employees.

1032.3 PERSONNEL ACTIVITY SYSTEM REPORTING REQUIREMENTS

The following activity shall result in an entry into an employee's PAS file and employees should be notified of every entry made by the supervisor entering it. Notification can be verbal, written, or in an email.

(a) Formal Awards or Commendations.

(b) Principal involvement in a substantiated complaint.

(c) Principal involvement in an internal investigation.

(d) Use of force meeting the requirement for completion of Use of Force Supervisor Summary.

(e) Involvement in a vehicle pursuit.

(f) Principal involvement in an employee involved traffic accident.

(g) Any documented example of unsatisfactory performance, to include performance evaluations.

(h) Any instance of formal discipline.

(i) Promotions and associated dates.

(j) Any other item a supervisor feels is appropriate to meet the goal of the PAS.

The following individuals shall be responsible for entering the aforementioned conduct, behaviors, circumstances, and activity into the PAS.

(a) Assistant Chief shall enter information pertaining to citizen complaints and internal investigations upon receipt of the completed investigative documents.

(b) Assistant Chief shall enter information pertaining to employee involvement in documented uses of force, vehicle pursuits, and traffic accidents.

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(c) Assistant Chief shall enter information related to promotions and formal awards and commendations.

(d) All supervisory personnel shall enter information pertaining to documented examples of unsatisfactory performance and formal discipline that they have personally initiated or issued on behalf of another.

(e) Informal commendations or examples of exemplary work can be entered by any supervisor.

1032.4 CRITERIA FOR INITIATING AN EMPLOYEE INTERVENTION

The following should cause the initiation of an employee intervention:

(a) Two sustained complaints, whether informal complaints or internal investigations, within 12 months.

(b) Three or more complaints, either sustained or not sustained, within 12 months.

(c) A number of use of force applications in a 12 month period that appreciably exceeds the norm as determined by the annual use of force review conducted by the Assistant Chief.

(d) Any vehicle pursuit which is found to be in violation of department policy.

(e) Three documented examples of unsatisfactory performance in a 12-month period.

(f) Two formal disciplinary actions within 12 months.

1032.5 PROCEDURES FOR INITIATING AN EMPLOYEE INTERVENTION

Each supervisor making a PAS entry shall determine whether the entry triggers an employee intervention, based on the aforementioned criteria.

Upon entering a triggering event into an employee's PAS file, the supervisor making the entry shall forward a written notice to the employee's commander or manager.

The unit commander or manager shall conduct a counseling session with the employee. The employee's immediate supervisor shall be involved in the meeting.

The unit commander or manager shall document the outcome of the PAS counseling session, with copies provided to the employee and the Assistant Chief.

The memo documenting the counseling session shall minimally include the following:

(a) The employee's name, current assignment, and organizational tenure.

(b) A summary of the criteria used to trigger the PAS, to include prior conduct, behaviors, or circumstances that accompany the triggering event.

(c) The date of the PAS counseling session.

(d) A summary of the employee's response during the counseling session.

(e) Specific recommendations and/or expectations for improved performance, to include any action plan and follow-up activities.

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Upon receipt of the PAS counseling session document, the Unit/District Commander or Manager shall ensure that it is attached in the PAS.

1032.6 PERSONNEL ACTIVITY SYSTEM COUNSELING SESSIONS

PAS counseling sessions are to be corrective rather than disciplinary in nature.

Employees shall be informed, in advance, of the purpose of the meeting, to include the specific PAS criterion that resulted in the employee intervention.

The PAS counseling session should explore possible explanations for the performance concerns and identify a corrective action plan.

The corrective action plan may be comprised of various components, including, but not limited to:

(a) No additional action taken;

(b) Informal counseling and monitoring by the employee's supervisor;

(c) Mandatory remedial or additional training designed to improve any weaknesses as identified;

(d) Voluntary or mandatory referral to the Employee Assistance Program;

(e) Reassignment

1032.7 APPEAL

An employee who disagrees with the results of a PAS counseling session may contest the matter to the Chief of Police.

The appeal shall be submitted in written form within 14 days of the PAS counseling session.

1032.8 ANNUAL EVALUATION OF THE PAS

On an annual basis, the Assistant Chief shall conduct a review of the Personnel Activity System and submit the findings to the Chief of Police.

1032.9 RECORDS RETENTION

PAS records will be retained indefinitely but shall not be less than 7 years after employment is concluded.

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Employee Wellness

1033.1 PURPOSE

The purpose of this policy is to provide support for the emotional, physical, and mental wellness of our employees, identify department resources available to them, and offer guidelines of when they can and should be used.

1033.2 DEFINITIONS

Chaplain Program - Licensed professionals, authorized by the Chief of Police, who offer confidential counseling services to our employees.

Employee Assistance Program - The program designated by the city to prove confidential services and resources to employees.

Employee Wellness Committee - A group of employees, assigned by the Chief of Police, who are responsible for establishing and implementing employee wellness initiatives and programs. The committee will address multiple pillars of wellness including; mental, physical, social, spiritual, and financial wellness.

Mental Health Professional - A licensed professional or clinical social worker, psychotherapist, psychologist or psychiatrist.

Outagamie County Peer Support Team - A group of sworn and civilian employees from Outagamie County Law Enforcement agencies who have been trained in peer support to assist employees who may be suffering from emotional, personal, physical, or stress related difficulties

Physical Fitness Assessment Program - A program designed to individually assess the Department's personnel for their state of physical readiness. The test is designed to create an awareness in the individual of his or her physical capabilities that relate to the physical demands of police work and to provide the means and incentives in order to improve their physical and/or mental well-being.

Secondary Trauma Stress - Sometimes called compassion fatigue, occurs when employees are repeatedly exposed to trauma through firsthand account or the narrative of a traumatic event. This occurs regularly in the law enforcement profession and can be treated by education and resiliency training.

1033.3 POLICY

It is the policy of the Appleton Police Department to proactively address the overall wellness of our employees. Law enforcement duties expose employees to mentally painful and stressful situations that cannot be resolved through normal coping mechanisms. It is the policy of the Appleton Police Department to educate our employees on these stressors, provide them with the resiliency skills they need to recover from them, and give them and their family members the resources they need to ensure their well-being and safety.

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The duties and responsibilities of the law enforcement professional can expose them to mentally painful and highly stressful situations. Employees experience stress and related trauma from significant events and also from their daily duties. The incidents they respond to can have a negative impact on their job performance, and can cause emotional problems for the employee, their families, and their co-workers.

1033.4 PROGRAMS

Employees will be provided preventative and responsive resources to assist them and their family members with their emotional, physical and mental wellness. Employees who are experiencing mental or emotional problems are strongly encouraged to use any of the resources listed below.

(a) New Employee Orientation:

1. Family Orientation - As part of every new employee orientation the department will provide resources to the employee's family on the impact of the career on their family member to help them understand how the career may affect their loved one, and resources that can assist them.
2. Employee Orientation - New employees will also be provided information on the resources available to them and how to access them. Additionally, the mentoring and field training program will continue to provide support and assistance to the employee in assimilating to the career and workplace.

(b) Education and Resiliency:

1. Ongoing Training - The department will provide ongoing education to employees on wellness topics which will include in-service training, specialized training opportunities, newsletters and updates.
2. Employee Wellness Check-Ins - When funding allows, the department will provide mandatory Employee Wellness Check-ins (EWC) for all employees. The EWC is a confidential meeting with the department mental health provider, on duty time, that provides an opportunity for every employee to discuss items that they wish to discuss. The information discussed will be protected under Wisconsin State Statutes and the department will only be notified if an employee attended or did not attend.
3. Mental Health Provider Open Office Hours - When funding allows, the department will provide "office hours" every month for our employees to meet with our contracted mental health provider and/or our Chaplains, and a private area for them to meet in, such as the Peer Support Room.

(c) Employee Programs and Resources:

1. The Employee Wellness Committee
2. Outagamie County Peer Support Team
3. Police Chaplain Program
4. Department Contracted Mental Health Provider
5. City of Appleton EAP Provider

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6. Physical Fitness Incentive Program

(d) Retiree Services

1. Our retirees remain valuable members of our police family who dedicated the majority of their life to protecting and serving our community. We have an obligation and responsibility to them that extends beyond their retirement. We will continue to engage them in activities by use of a retiree's newsletter, which will be completed by the Chief's assistant and distributed on a regular basis, and by organized retiree social events.

1033.5 EMPLOYEE RESPONSIBILITIES

All employees have a responsibility to recognize the symptoms of emotional struggles in themselves, and others, and to take the appropriate actions. The appropriate action may be to seek out one or more of the resources available for yourself, or to have a private conversation with a co-worker to let them know your concerns and assist them in getting help.

Examples of stress are described in our Critical Incident Stress Debriefing Policy, as well as the process for an employee to initiate a Critical Incident Stress Debriefing.

Employees must also be aware of how Secondary Trauma Stress affects all of us, including our family members, and must be cognizant of the significant impact this plays on our overall wellness and happiness.

The Department will provide yearly training on work and life stressors and the resources available to our employees and their family member. Employees are encouraged to share their suggestions for training with members of the Employee Wellness Committee or the Command Staff.

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Critical Incident Stress Debriefing

1034.1 POLICY

It is the policy of the Appleton Police Department to provide necessary assistance to our employees when they become personally distressed under extraordinary circumstances.

1034.2 DEFINITIONS

Critical Incident - a situation that evokes unusually strong emotional reactions, which have the potential to interfere with normal human functions. A situation does not have to be a major disaster to classify as a critical incident.

Critical Incident Stress Debriefing - a meeting designed to assist others in dealing with the physical or psychological symptoms that are generally associated with trauma exposure. Debriefing allows those involved to understand the body's different responses to traumatic events and provides those involved with additional resources to assist them personally.

Peer Support Team - a support and debriefing resource for employees and their families. The Peer Support Team provides support to personnel experiencing personal and work-related stress. It also provides support during and following critical and traumatic incidents resulting from performance of duty.

Although stress is inherent in policing, occasionally department employees will be exposed to unusually stressful situations, which may place them under great emotional strain, and symptoms of psychological distress may develop. These "critical incidents" such as excessive danger, destruction, and human misery are generally outside the range of an employee's usual experiences.

The following are a few examples of critical incidents:

(a) A serious injury or death of Appleton Police Department personnel in the line of duty.

(b) A serious injury or death of a civilian resulting from police operations.

(c) A case, which is charged with profound emotion, such as the sudden death of an infant under particularly tragic circumstances.

(d) A case involving a department employee, which attracts an unusual amount of attention from the news media.

(e) Loss of life, which follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt.

(f) An incident that can be considered a serious physical or psychological threat to the personnel involved.

Following involvement in such a critical incident, employees may display any of a variety of symptoms characteristic of psychological distress. These symptoms may include:

(a) Being unable to talk about the event and the feelings associated with it.

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(b) Feeling detached and withdrawn and keeping emotional distance from family and friends.

(c) Avoiding activities that are reminders of the incident.

(d) Experiencing recurring and intruding memories, feelings, or dreams about the incident.

(e) Feeling preoccupied and experiencing impaired memory and concentration that results in difficulty completing tasks.

(f) Difficulty sleeping, feeling hyper, alert, startling easily.

(g) Increased use and/or abuse of alcohol, medications, or other drugs.

It is important to emphasize that employees with these symptoms are experiencing normal responses to abnormal events. While these symptoms are characteristic of other emotional experiences, their development after a traumatic event is fairly common and is a normal response.

The development of symptoms, or lack of symptoms, is in no way indicative of a weakness or mental illness in an employee. If, however, an employee suppresses, denies, or in any other way fails to work through the normal psychological pain associated with a stress reaction, a potential for development of a serious emotional disorder exists.

All members of the department play an important role in recognizing these events and ensuring that the procedures outlined herein are implemented for the welfare of their fellow employees.

1034.3 INITIATING A CRITICAL INCIDENT STRESS DEBRIEFING (CISD)

Any member of the department recognizing that one or more employees were involved in a potential critical incident shall immediately inform a supervisor.

The supervisor shall determine whether the situation falls within the description of a critical incident using the guidelines located in the discussion section of this policy.

Once the situation has been determined to be a critical incident, the supervisor will notify a member of Senior Command who will initiate or assign contact with the designated CISD provider.

(a) The Front Desk of the police department and the Chief's Executive Assistant will maintain a listing of current providers.

Intervention should generally occur within 72 hours of the critical incident.

1034.4 ACTIVATING THE CRITICAL INCIDENT STRESS DEBRIEFING TEAM

The debriefing facilitator will evaluate the request for a debriefing based upon facts of the incident provided by the assigned supervisor and determine whether a debriefing is necessary.

If a debriefing is deemed necessary, the debriefing facilitator will work in conjunction with the assigned supervisor to determine the time and place for the debriefing, as well as who should be in attendance.

If a debriefing is not appropriate, the debriefing facilitator can offer other appropriate options for follow-up.

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1034.5 ATTENDANCE AT CRITICAL INCIDENT STRESS DEBRIEFINGS

All involved employees will be invited to attend the debriefing. The department reserves the right to require attendance in situations when an employee had direct and immediate involvement in a critical incident. Mandatory attendance serves to avoid stigmatizing any specific employee who may most need the intervention.

Attendance may be deemed mandatory in certain circumstances, such as the following:

(a) An employee's death in the line of duty

(b) Involvement in a police shooting

(c) Severe injury in the line of duty

(d) A disaster or major multi-casualty incident

(e) Other incidents as determined by the Chief of Police

Designees of the Peer Support Team should also attend the debriefing to offer their services and support.

1034.6 CONFIDENTIALITY

The services provided by the designated provider are strictly confidential.

The debriefing is not part of any investigation, nor is it an operational critique.

1034.7 EMPLOYEE ASSISTANCE PROGRAM

The City of Appleton offers a confidential Employee Assistance Program (EAP). The EAP provides free, short term counseling services for employees experiencing a variety of personal and/or job-related problems.

In extraordinary cases, the department may elect to involve additional professional assistance for employees involved in a critical incident.

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Honor Guard

1035.1 PURPOSE

The purpose of this policy is to establish guidelines for the administration and deployment of officers serving on the Honor Guard, and to establish guidelines for police employees who wish to participate or volunteer their time for an authorized community function, charitable cause, funeral, memorial service, or special event.

1035.2 DEFINITIONS

Officer in Charge (OIC) - The OIC will be appointed by the Chief of Police or their designee. The OIC will have experience in coordinating honor guard activities and will act as the coordinator of the planning of the events in which the Honor Guard participates. Also, the OIC will be responsible for coordinating training for the Honor Guard.

Color Guard - The makeup of a Color Guard will usually be five officers (3 as flag bearers and 2 as guards). The purpose is to carry the National Colors, Wisconsin flag, and City of Appleton flag for special events.

Honor Guard - A term used to identify a group of officers specially trained in ceremonial procedures who participate in Department authorized events. The size of the Honor Guard for each event will be determined by the nature of the event. The team will replace members as officers resign from the team. Additional officers above and beyond the current membership will only be granted by permission of the Chief of Police.

Paid Status - Employees who have been authorized to participate in an event will be compensated pursuant to the collective bargaining agreement.

Unpaid Status with Department Approval - An employee, who is not paid for participating in an authorized event but is authorized to wear the Honor Guard uniform and use departmental equipment, will be covered under the City's liability insurance and Worker's Compensation if injured during the course of the event and only if acting within the scope of their employment.

Casket Team – Up to eight members may be responsible for posting the casket, and in some cases casket movement.

Honors Posting – May be a form of casket posting or more often members will post in the area of the viewing.The number of members needed will be dictated by the length and structure of the service.

Flag Team – If the casket is draped with the National Colors, eight members will be required to properly fold the flag for presentation.In situations where a pre-folded flag is to be presented, a full Flag Team would not be necessary. In many cases the Flag Team may be the same members as the Casket Team.

Color Guard – Typically used in ceremonial applications, the number of members will be dictated by the number of flags being posted plus two guards.

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Rifle Team – Responsible for presenting the 21-gun salute, 7 members plus one commander is required.

Custodial Care – Reserved for Category I honors, refers to providing non-stop custody of the fallen officer's body until the service.Typically, the Honor Guard would divide hours into shifts with two officers on duty at all times.When appropriate, other APD members may participate in this service.This service is conducted if desired by the immediate family.

Family Escort – Generally reserved for Category I honors, refers to providing the fallen officer's immediate family escort service to and from all arrangements and services. This duty does not have to be an Honor Guard member. Also see employee death or serious injury policy for additional details.

Presence – Some services will only involve a uniformed presence of the Honor Guard.

1035.3 POLICY AND DISCUSSION

It is the policy of the Appleton Police Department to represent the City of Appleton in a professional manner when called upon to provide the Honor Guard at an authorized function such as a funeral, parade, ceremony, charitable cause, or some other special event.

The Honor Guard was established to meet the growing number of requests for formal representation of the Appleton Police Department for community functions, charitable causes, funerals, memorial services, and special events. When a request for the Honor Guard is made, the Officer in Charge (OIC) will select the appropriate number of officers. Honor Guard duty is an authorized function and all participating officers shall adhere to all departmental rules, regulations, policies, and procedures.

1035.4 SELECTION AND OVERSIGHT

Any non-probationary police officer or probationary officer in good standing and with prior law enforcement experience may apply in writing to the OIC through his or her direct supervisor for appointment to the Honor Guard. The application shall address the following areas:

(a) Acknowledgement of Honor Guard expectations.

(b) Why the applicant is interested in becoming a member of the Honor Guard.

Officers who wish to be considered for the Honor Guard must have received "consistent" ratings on their two most recent performance evaluations.

Final selection of Honor Guard officers will be made by the OIC, with the approval of the Chief of Police.

Honor Guard members are expected to be available to participate in all training sessions and events that they are selected for.

1035.5 TRAINING AND EQUIPMENT

The Honor Guard will train under the guidance and direction of the OIC or a designated officer.

The Honor Guard will train as a unit at least two hours bi-annually.

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All Honor Guard members are required to obtain an Honor Guard uniform. It will be the officer's responsibility to maintain the uniform, including tailoring and alterations, repairs and replacement. It must be clean and pressed and available for duty at all times. The following items are requirements for the Honor Guard uniform:

(a) Uniform Service Jacket

(b) White Dress Shirt – Long or Short Sleeve

(c) Navy Blue Velcro Tie

(d) Matching Uniform Trousers

(e) Clarino Leather Duty Belt

(f) Clarino Holster

(g) Clarino Handcuff case

(h) Clarino Shoulder Strap & Belt straps

(i) Double soled Patent Leather Shoes

(j) Honor Guard Name Tag (brushed silver with red lettering and double clutch style)

(k) Honor Guard Badge

(l) 5 point star dress hat with silver hat band and silver approved hat badge

(m) American Flag Pin

(n) Braided shoulder cord

The Department will supply the appropriate Honor Guard gloves and other authorized uniform accessories. Uniform inspection will be held at every detail and practice; strict standards will be enforced. This will also apply to other Departmental rules concerning image, grooming and tobacco use.

The OIC will maintain the flags, poles, flag carriers, pole bases, etc.

1035.6 EVENTS

When special events are authorized by the OIC for Honor Guard participation, the authorized number of Honor Guard members will also be determined for participation in the event. The OIC will make the final decision on participants.

For community events, charitable causes or various ceremonies where an employee wishes to volunteer their time and services but wishes to wear the official department uniform, use approved equipment, and be covered under the City’s employment benefit policies, a written request must be submitted to the Chief of Police or designee for consideration and authorization. The request must include the following:

(a) An outline of the nature of the event

(b) Names of all Appleton Police Department employees to attend as volunteers

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(c) Location

(d) Equipment needed; and

(e) Date and time of the event

1035.7 HONOR GUARD RESPONSE CATEGORIES DEFINED

Category I – Line of Duty death of an Appleton Police Department active sworn employee. This category reserves the highest honors for those men and women who make the ultimate sacrifice in the line of duty.

Category II – Line of Duty death of an officer from another law enforcement agency. Sub-categories are defined below, which will weigh into the degree of involvement of the APD Honor Guard.

(a) Within Outagamie, Brown, Winnebago, Fond du Lac and Calumet Counties

(b) Outside counties listed in "a", but within 100-mile radius

(c) Outside counties listed in "a" and outside 100-mile radius

Category III – Active APD Sworn Employee, Non-Line of Duty death, including non-felonious suicides.

Category IV – Non line of duty, but active Law Enforcement Officer, Non-APD, in adjacent counties, including non-felonious suicides.

Category V – Retired APD Sworn Employee, including non-felonious suicides.

Category VI – Active Non-Sworn Employees/City Officials.

Category VII – Funerals not included in above categories.

Category VIII – Ceremonial Honor Guard/Color Guard services.

1035.8 ACTIVATION

The APD Honor Guard may be activated as follows:

(a) **Category I** – Line of Duty death of an APD active sworn employee. May require the entire Honor Guard team. Understanding that the Honor Guard response in such a tragic event involving one of our own will be most challenging, utilizing outside Honor Guard units is acceptable. When planning the response, the following shall be offered, however, the wishes of the family of the fallen officer shall be given the most weight. In as much as possible, all members should be assigned to honor guard duties as needed and pulled from normal assignments.

1. Casket Team – posting and movement
    (a) Visitation
    (b) Funeral
2. Rifle Team Firing Squad
3. Flag Team (can be same as Casket Team)

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4. Family escort
5. Custodial care of the fallen officer's body
6. Additional considerations
    (a) Appoint liaison to funeral director (member)
    (b) Appoint liaison to family (member or non-member)
    (c) Appoint Traffic Coordinator (non-member)
    (d) Appoint outside agency point of contact (non-member)
    (e) Arrange taps/bagpipes
    (f) Coordination with military if applicable

(b) **Category II** - Line of Duty death of officer from outside agency.
1. Within Outagamie, Brown, Winnebago, Fond du Lac and Calumet Counties
    (a) No maximum number of Honor Guard members can attend
    (b) APD Honor Guard should avail their services for any functions needed by the involved agency
2. Outside counties listed in "a" – within 100-mile radius – minimum of 2 members attend
3. Outside of the 100-mile radius – every effort should be made to send a minimum of 2 members

(c) **Category III** – Active APD Sworn Employee, non-Line of Duty death. While the wishes of the family shall be considered, care should be given to keep the intended integrity of Category I, reserving the highest honor for the line of duty death.
1. Casket Team – generally posting only
2. Flag Team
3. Funeral Escort

(d) **Category IV** – Active Law Enforcement Officer (not APD), non-Line of Duty death, within adjacent counties.
1. Minimum of 4 members should attend
2. APD Honor Guard shall avail their services for any functions needed by the involved agency

(e) **Category V** – Retired APD Sworn Employee
1. Casket Team – posting only

(f) **Category VI** – Active Non-Sworn Employees/City Officials
1. Presence only or door guard if requested

(g) **Category VII** - Funeral requests not covered by other categories
1. Presence only

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(h) **Category VIII** – Ceremonial Honor Guard Services

1. Color Guard
2. Rifle Team
3. Presence

1035.9 PAID VS. UNPAID DETERMINATION

It is the discretion of the Chief of Police to determine what special event or circumstance will dictate whether or not employees will receive pay compensation.

Criteria used to determine which event will be paid or unpaid, and authorized or not authorized are as follows:

(a) Unit scheduling concerns

(b) The event fosters or promotes a positive image for the Department and community

(c) Participation serves to strengthen the relationship between the Department and community-at-large or organizations within the community

(d) Honors and represents the police profession in a respectful and dignified manner

(e) The cost-benefit to the community for having paid employees participating in the event

(f) The impact on the Department's fiscal resources or ability to pay employees for their participation in the event

(g) The availability of department resources

(h) Timeliness of the request for consideration

In the event the Honor Guard is sent to an event and an authorized number to be sent has been established and accomplished, any other department employee wishing to participate in the event must do so as an unpaid volunteer.

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Shift Picks

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the shift selection process.

1036.2 SHIFT SELECTION PROCESS

Prior to the new year, the designated scheduler and command staff will establish a deadline date for shift picks.

Based on seniority, officers assigned to operations will select their preferred shift. If an officer opts to work the same shift they are currently working, they will be generally expected to remain in the same day off group. If an officer selects a different shift to work and openings exist in that officer's current day off group, they will generally be expected to remain in that same day off group. If no openings exist in that officer's day off group, then they would bump the least senior officer from their current day off group. If an officer selects to work a different shift and is unable to remain in their day off group because of seniority, they will generally anticipate moving to an opening in a different day off group. If there are no openings in a different day off group, then that officer shall bump the least senior officer in that day off group.

Officers returning to operations from other units at shift pick time shall select their preferred shift. If an opening exists for a day off group within the officer's selection, they will generally be expected to fill that opening first. If there are no openings for a day off group within the officer's shift selection, they shall bump the least senior officer from the shift selected and will generally be expected to take over that spot.

Ultimately, management retains the right to assign officers to a day off group which best suits the department's needs. The guidelines above provide the anticipated manner in which shifts will be selected and filled, absent special circumstances. Any day off group requests based upon officer needs or hardships shall be made to district commanders. In the event a day off group switch within a shift is needed to meet department needs, volunteers will generally be sought first. If there are no volunteers, the least senior officer will generally be forced to switch day off groups.

Command Staff reserves the right to not fill a shift vacancy that occurs during the year.

If Command Staff decides to fill or create a shift opening that occurs prior to July 1st, the opening will be considered a permanent position and offered to the most senior officer requesting the shift. Subsequent openings caused by the move to fill the original opening should also be filled by the most senior officer requesting it. Command Staff will use a notification process that ensures the most senior officer eligible is offered the position and if not accepted the position is to be offered to the next senior eligible officer.

If Command Staff decides to fill or create a shift opening that occurs on or after July 1st, the position will be considered a temporary position and can be filled by an officer returning to operations from another unit or an officer advancing out of the FTO program.

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Shift Picks

If an officer decides to change shifts, it may adversely impact previously approved vacation time, comp time, or any other scheduled days off.

Anyone changing shifts must meet with the designated scheduler to discuss schedule issues and training days.

Changes to day off groups within a shift are prohibited, unless the officer was forced to change day off groups prior to July 1st of that same year.

District assignments will be made by Operations Command Staff. Any requests to switch districts shall be made to the District Commanders.

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Rules and Regulations

1037.1 GENERAL RULES

All employees of the Appleton Police Department will become thoroughly familiar with, and shall comply with all Department and applicable City of Appleton rules, policies and directives in the performance of assigned duties.

Specific assignment of duties and responsibilities does not negate the obligation of an employee to take action in situations requiring immediate attention, nor does it relieve the employee of their obligation to perform all other duties that may be assigned to them.

1037.2 DISCIPLINARY ACTION

Employees are subject to disciplinary action for the commission of any act that is prohibited or the omission of any act that is required. Non-compliance with any rule or procedure in this directive, any other Department or City rule or directive or administrative policy may also result in disciplinary action (See: Rules of Conduct, contained within this document).

1037.3 TYPES OF DISCIPLINE

Counseling

A command officer, supervisor, or any employee acting in such a capacity may exercise the prerogative of immediate correction or admonishment of an employee whenever the nature or circumstances of an incident may not warrant a written reprimand or formal disciplinary action. If the application of immediate correction or admonishment is not effective, a written reprimand can be administered.

Written Reprimand

Written reprimands are used for minor infractions that may not require an internal investigation complaint or formal investigation.

Written reprimands may be imposed by any command or supervisor, or by another employee acting in such capacity.

Before a written reprimand is imposed, a review will be made of previous reprimand notifications, if any, in the employee's personnel file. If this review indicates repeated infractions of a similar nature for which a written reprimand was imposed, other punishment may be initiated.

When a written reprimand has been imposed, the reprimand will be prepared and will request the employee's signature to attest to the employee's understanding that they have been officially reprimanded. Should the employee refuse to sign the reprimand, the reprimand will be marked "refused."

After the written reprimand is signed or marked "refused", the command officer, supervisor, or employee acting in such capacity will sign the reprimand and forward it to the employee's commanding officer for retention in the employee's unit personnel file. A copy will be prepared

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and given to the employee. A copy will also be prepared for the Chief of Police who will forward the copy to the Human Resource Department.

All original disciplinary documents will be maintained in Human Resources in accordance with the City's Records Retention Policy.

Suspension Without Pay

Suspension without pay is a period of time during which an employee's salary is withheld for disciplinary reasons.

Command or supervisory employees, or any employee acting in such a capacity may recommend a suspension, but the Chief of Police reserves the right to determine the length of the suspension.

Suspension without pay is not to be confused with an employee being relieved of duty with pay pending an investigation or bringing of formal charges, as other administrative actions.

Dismissal/Demotion

Dismissal is an involuntary separation of an employee from the Department. Demotion is a transfer of an employee to a lower rank for which the maximum rate of pay is lower.

General Comments

Employees shall not commit any acts or omit any acts, which constitute a violation of any of the rules in this document. Failure of an employee to promptly report a violation of this code by Department employees to a supervisor also constitutes a violation of rules.

1037.4 VIOLATIONS

Employees are liable for disciplinary action for the following conduct violations:

Conduct Violation:

1.01 Accepting or soliciting a bribe or gratuity for permitting an illegal act.

1.02 Accepting monetary or valuable gratuity for performing assigned duty.

1.03 Failure to obey public laws.

1.04 Failure to turn in seized, found, or recovered property as prescribed by Department directives.

1.05 Intentionally converting seized, found, or recovered property for personal use.

1.06 Knowingly making a false statement or entry in any departmental report, record, application, interview or hearing.

1.07 Employee, unless authorized, consuming intoxicants while on duty.

1.08 Employee under the influence of an intoxicant while on duty.

1.09 Employee in uniform, off duty, drinking intoxicants or intoxicated in public.

1.10 Willfully under the influence of and impaired by, or addicted to, any drug or narcotic not prescribed by a licensed professional.

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1.11 Employee intentionally committing any violation of any order, directive, policy, etc. whether written or verbal.

1.12 Employee negligent in losing or damaging city property.

1.13 Employee violating rules of conduct.

1.14 Failure to maintain proper care or report the loss of departmental property or equipment.

1.15 Carrying, possessing or using unauthorized equipment.

1.16 Unlawful or excessive use of force.

1.17 Taking police action based solely on race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, or military service.

1.18 Unauthorized use or possession of Department or City owned or issued equipment, property, materials or supplies.

Insubordination

2.01 Refusal or failure to obey a lawful order or directive from a supervisor or commander or refusal or failure to obey an order or directive relayed from a supervisor or commander by an employee of the same or lesser rank.

2.02 Disrespectful conduct toward a supervisor or commander by acts or omissions to act or by language, which detracts from the respect due the authority and person of the supervisor or commander.

Neglect of Duty

3.01 Intentional failure to take necessary police action and/or failure to complete an offense report (written or typed).

3.02 Asleep while on duty or fatigued to the extent that duty cannot be effectively performed.

3.03 Absent without authorization.

3.04 Unexcused tardiness.

3.05 Failure to properly patrol area and complete necessary reports.

3.06 Failure to properly complete an investigation and complete necessary reports.

3.07 Failure to appear for court or a hearing when duly notified or subpoenaed.

3.08 Failure to respond to a radio call.

3.09 Conducting personal affairs on duty without supervisor approval.

3.10 Allowing prisoner to escape through carelessness or neglect.

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3.11 Failure to search for, collect and preserve, or identify evidence of persons, property and locations in any arrest or investigation.

Disobedience of Lawful Orders

4.01 Instituting civil action or reasonably expect to benefit from any civil action arising from police duty without notifying the Chief of Police.

4.02 Feigning illness or injury when reporting off sick, or excessive absenteeism or consistently feigning illness in conjunction with days off or vacation days.

4.03 Misuse or intentional improper handling or display of firearms.

4.04 Leaving city limits or assigned area while on duty without authorization of a supervisor, except in fresh pursuit.

4.05 Recommending commercial or professional services, towing, or repair services to citizens, in his/her official capacity, or recommending employment of specific attorney or law firm to a party charged, or under investigation by this Police Department.

Supervisory Neglect of Duty

5.01 Failure to properly perform assigned or required supervisory duties and responsibilities.

5.02 Failure to ensure employees perform assigned or required duties.

5.03 Failure to investigate or report actual or alleged incidents of misconduct or violations of Department orders.

5.04 Failure to ensure proper care and accountability of departmental property or equipment.

5.05 Failure to advise employee of grievance and appeal process or to apprise superiors of pending or reported grievances.

5.06 Misuse or abuse of supervisory authority or privilege.

1037.5 RULES OF CONDUCT

6.01 Unbecoming Conduct

Employees will conduct themselves, both on and off duty, so as not to reflect disfavor on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the officer as an employee of the Department, or that which impairs the operation or efficiency of the Department or officers.

6.02 Immoral Conduct

Officers shall not participate in any incident involving immorality, which impairs their ability to perform as law enforcement officers, or cause the Department to be brought into disrepute.

6.03 Reporting For Duty

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant

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of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

6.04 Neglect of Duty

Employees shall not play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be permitted in the performance of duty. They shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to duty.

6.05 Sleeping on Duty

Employees shall remain awake and alert while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

6.06 Leaving Duty Assignment or Post

Employees shall not leave their duty assignment except when authorized by proper authority or in case of an emergency where prior consultation with a supervisor is impossible.

6.07 Meals

Employees shall be permitted to take fatigue breaks or have meals during their tour of duty, but only for such periods of time, and at such locations as departmental procedures or operational necessity may dictate.

6.08 Unsatisfactory Performance

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner, which maintains the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by, but not limited to: (1) a lack of knowledge of the application of laws required to be enforced; (2) an unwillingness or inability to perform assigned tasks; (3) the failure to conform to work standards established for the employee's rank, grade, or position; (4) the failure to take appropriate action when investigating a crime, disorder, or any condition deserving of the employee's attention; or (5) being absent from duties without authorized leave.

Employees are directly accountable for their actions through the chain of command and shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation. Employees shall be accurate, thorough and truthful in all matters.

Employees shall conduct themselves in a manner that fosters cooperation among employees of this department, showing respect and professionalism in their dealings with one another. Employees shall not use language or engage in acts that demean, harass, or intimidate another person.

Employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to the Chief of Police as soon as possible.

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6.09 Alcoholic Beverages and Drugs in Police Facilities

Employees shall not store or bring into the Police Department building or city vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except for evidentiary purposes.

6.10 Possession and Use of Drugs

Employees shall not possess or use any controlled substances, narcotics, hallucinogens, or prescription medications, except when prescribed in the treatment of a condition by the employee's physician, psychiatrist or dentist. When controlled substances, narcotics, hallucinogens, or medications are prescribed, employees shall notify their supervisor.

6.11 Use of Alcohol/Drugs On/Off Duty

Employees, while off duty. shall refrain from consuming intoxicating beverages to the extent that it results in behavior, which constitutes a violation of the Federal, State, or Local laws.

Employees shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.

No employee shall report for duty with odor of alcoholic beverage on his or her breath or person.

No employee shall report to work or be on duty as a law enforcement officer when alcohol, medication, or other substances have impaired his or her judgment or physical condition.

Supervisors shall order a drug or alcohol-screening test when they have reasonable suspicion that an on-duty employee is using and/or is under the influence of drugs or alcohol. Such screening shall conform to the City's Drug Free Workplace policy.

6.12 Use of Tobacco

The use of any tobacco product or vaping device, in public, by an on-duty employee is prohibited. "In public" is defined as an area that is away from the police department property and in view of the public.

The use of any of these items shall not interfere with an employee's daily duties, department activities or other functions,

All employees are prohibited from using tobacco products or vaping devices in departmental vehicles. Employee's assigned one-to-one vehicles may use chewing tobacco in their assigned vehicle as long as they are considerate of the rights and health concerns of passengers.

The use of tobacco products (including chewing tobacco) or vaping devices in the police building is prohibited.

6.13 Conflicting or Illegal Orders

Employees who are given an otherwise lawful order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.

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Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

Employees shall not obey any order which they know or should know would require them to commit an illegal act. If in doubt as to the legality of an order, employees shall request the issuing supervisor to clarify the order, or ask to confer with higher authority.

6.14 Abuse of Position, Process, and Power

1. Use of official position and identification
    (a) Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.
    (b) Employees shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed (See HR policy. Code of Ethics).
    (c) Employees shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or devices (to include; gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
    (d) Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence (except at public auction or competitive bidding).
    (e) Employees shall not solicit or accept contributions for this Department or for any other agency, organization, event or cause, without the express consent of the Chief of Police.
    (f) Employees are prohibited from using information gained through their position as a law enforcement agency employee to advance financial or other private interests of themselves or others.
    (g) Officers shall not make false accusations of a criminal or traffic ordinance violation.
2. Use of name, Photograph, or Title
    (a) Officers shall not authorize the use of their names, photographs, or official titles, which identify them as police officers, in connection with testimonials, or advertisements of any commodity, service or commercial enterprise, without the approval of the Chief of Police. This does not pertain to endorsement of appropriate governmental services where there is a duty to make such endorsements.

6.15 Identification

Officers shall carry their identification cards on their person at all times when on duty, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as

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having an official capacity, except when the withholding of such information is necessary for the performance of duties or is authorized by proper authority.

6.16 Citizen Complaints

Employees shall courteously and promptly record in writing any complaint made by a citizen against any employee or the Department in general. Employees may attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any employee or the Department. Employees shall follow established departmental procedures for processing complaints.

6.17 Associations

Officers shall not have regular or continuous associations with persons whom they know, or should know,l are the subject of an ongoing criminal investigation or pending criminal charges, or have been previously convicted of a crime, except as necessary in the performance of official duties, or where unavoidable because of other familial relationships of the officers.

Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

6.18 Visiting Prohibited Establishments

Employees shall not knowingly visit, enter or frequent a house of prostitution or any other establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated except in performance of duty or while acting under proper and specific orders from a supervisor.

6.19 Gambling

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

6.20 Public Statements and Appearances

Employees shall not publicly criticize or ridicule the Department, its policies, or employees by speech, writing, or other expression, including social media, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.

Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, place on the internet, text, post to any social media site, act as correspondents to a newspaper or periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority.

6.21 Personal Appearance

Employees on duty shall wear uniforms or other clothing in accordance with established departmental procedures.

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Employees will strive to maintain high standards of personal appearance and hygiene. Clothing and personal equipment will be clean and in good repair.

Officers may wear items of jewelry providing the items are discreet and do not expose the wearer to undue risk or hazard. Uniformed officers will not wear visible necklaces.

Officers shall conform to the established procedures for hairstyle as outlined in policy.

6.22 Political Activity

Employees shall be permitted to:

(a) Register and vote in any election;

(b) Express opinions as individuals privately and publicly on political issues and candidates;

(c) Attend political conventions, rallies, fund-raising functions and similar political gatherings;

(d) Actively engage in any nonpartisan political functions;

(e) Sign political petitions as individuals;

(f) Make financial contributions to political organizations;

(g) Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;

(h) Hold membership in a political party and participate in its functions to the extent consistent with the law and consisent with this section;

(i) Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties; or create real or apparent conflicts of interest.

Employees are prohibited from:

(a) Using their official capacity to influence, interfere with or affect the results of an election.

(b) Place or affix any campaign literature on city-owned property.

(c) Participate in any type of political activity while in uniform or on duty.

6.23 Payment of Debts

Employees shall not undertake any financial obligations which they know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline expect in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that good faith effort to settle all accounts is being undertaken. Employees shall not cosign a note for any supervisor.

6.24 Residences and Telephone

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Employees must maintain an accurate phone number and address on file, and shall immediately report any changes of telephone numbers or addresses to the Assistant to the Chief.

6.25 Dissemination of Information

Employees shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

No employee of this Department shall maintain files or duplicate copies of official departmental files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this Department without express permission.

6.26 Intervention

Employees shall not interfere with cases being handled by officers of the Department or by any other governmental agency unless:

(a) Ordered to intervene by a supervisor, or

(b) The intervening employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.

6.27 Off-Duty Police Action

Officers shall not use their police authority to resolve personal grievances (e.g. those involving the officer, family employees, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police employees and a supervisor in cases where there is personal involvement that would reasonably require police intervention.

6.28 Operating Vehicles

Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all departmental orders pertaining to such operation. Suspension or revocation of any employee's driving privileges shall be reported immediately to the Chief of Police.

6.29 Carrying Firearms

Officers shall carry firearms in accordance with established Department procedures.

6.30 Use of Polygraph, Medical Examinations, Photographs and Lineups

Polygraph examinations. All employees shall be required to submit to a polygraph examination when ordered to do so by the Chief of Police and when the examination is specifically directed

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and narrowly related to a particular internal investigation being conducted by the department in accordance with §111.37(5)(a) Wis Stats. (Use of honesty testing devices in employment situations [exemptions]).

Medical examinations, photographs, and lineups. Upon the order of the Chief of Police or designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

6.31 Financial Disclosure

Upon the order of the Chief of Police or designee, employees will submit financial disclosure statements in accordance with state and federal laws only in connection with a complaint in which this information is material to the investigation.

6.32 Treatment of Persons in Custody

Officers shall not mistreat persons who are in custody. Officers shall handle such persons in accordance with law and departmental procedures.

Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.

While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to the agency's Use of Force policy and shall observe the civil rights and protect the well being of those in their charge.

6.33 Expectations of Privacy

Employees shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under control and management of the Department. It is recognized that employees may need to occasionally store personal items in such areas, however, these places may be inspected or entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police.

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Position Enhancement Program (PEP)

1038.1 GENERAL OVERVIEW

This policy is designed to provide the reader with information related to the administration of the Position Enhancement Program (PEP). A description of how that program is interrelated with current practices and procedures now in effect is also included. The eligibility requirements have been outlined and the Department's responsibilities are highlighted. This policy is by no means inclusive and is subject to further review and refinement.

1038.1.1 TIME IN GRADE

Time in grade would initially be determined by calculating the amount of time that the officer has worked for the Department. The anniversary date of hire would serve as the date from which eligibility would initially be determined.

The date that an officer successfully completes the testing procedure will be used to determine an officer's eligibility for advancement to the next highest position in the program.

1038.1.2 EVALUATION SYSTEM

To achieve its objectives, the Department must be able to depend on satisfactory work performance from all employees. A performance evaluation system was developed and implemented which allows supervisors to measure on-the-job work performance of individual officers. The quality of the employees' performance has a bearing upon their effectiveness with the police department, the manner in which they relate to management, and on the level of success associated with assignments, advancements and personal development.

The Department has established and is currently using an evaluation system which utilizes the basic principles of performance measurement. This provides the basis for:

(a) rendering fair and impartial decisions regarding adequate performance

(b) providing a standard to be met for maintaining or improving performance

(c) facilitating the process of employee counseling on a regular basis

(d) assisting in identifying specific training needs and

(e) ensuring the public that the department's personnel are qualified to carry out their assigned duties

An officer must be able to demonstrate a successful level of performance at their current position before being eligible for advancement to the next level.

1038.1.3 PROFICIENCY TESTING

The PEP is based on the theory that individual officers should be rewarded for performing duties, gaining knowledge, and developing skills and abilities that exceed average work performance. In order to reward those officers who exceed the average level of work performance, it is necessary to determine their progression.

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The Department will use written test questions that will be limited to multiple choice and true/false questions. The test questions, as well as the answers, will be made available to all officers. The tests are designed to determine the level of knowledge or skill development that an officer has progressed to. The objective testing format will help to ensure consistency as well as provide a valid and reliable mechanism for measuring progression.

The Department will also use written test questions and exercises for the computer-skills tests. Sample questions and exercises, as well as related answers, will be made available to all officers. The tests are designed to determine the level of computer literacy an officer has progressed to. The objective testing format will help to ensure consistency as well as provide a valid and reliable mechanism for measuring progression.

1038.1.4 PREPARATION/STUDY GUIDES

For the purpose of the written test given in the PEP, the general base of knowledge associated with the work performance of an officer is divided into ten specific categories. The categories assemble similar sets of knowledge, skills, and abilities. A written description of the level of knowledge for each category was developed and serves as a standard level of proficiency. The source of knowledge, as well as the location of training and educational material related to each category, has been identified to assist an officer with preparation (see Lexipol).

With a minimal amount of effort, an officer can determine the level of knowledge, source of knowledge, and review test questions related to each one of the ten categories. The categories include, but are not limited to:

- General Patrol
- Traffic Procedures
- Criminal Law
- Computer Proficiency
- Continuing Education
- Investigation
- Community Interaction
- Juvenile Law
- Department Programs
- Response to Calls

Every officer who elects to participate in the program will be responsible for reviewing material related to the body of knowledge for each category. The PEP has been designed to operate with a minimal amount of direction on behalf of the Department. The "self-paced" program encourages officers motivated by the additional pay and title to progress through the program and meet the requirements set forth.

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1038.1.5 EDUCATION/CERTIFICATION

The Department currently requires newly hired officers to have a minimum of 60 credits of post-high school education. After an officer is hired, they must successfully complete a minimum of 720 hours of training to be certified by the Law Enforcement Standards Bureau of the Department of Justice. In an officer does not become certified, they will not successfully complete the probationary period.

Since the Department currently offers monetary incentives for advanced degrees (both two-year and four-year degrees), the Department has not directly linked the level of education or type of course work completed to the PEP.

The Department has a vested interest in the continued education and training of its officers. The PEP is designed to work in conjunction with tuition reimbursement to reward those officers who continue their education and are able to apply that knowledge to enhance their work performance. The monetary remuneration for possessing or obtaining an advanced degree, as well as the reimbursement for the successful completion of police-related courses are currently and shall remain covered by tuition reimbursement.

Officers are encouraged to continue to take advantage of tuition reimbursement and apply the knowledge and skills developed under that program to the requirements set forth in the PEP.

1038.1.6 COMPUTER PROFICIENCY

The Department utilizes a software program called Spillman. The Spillman program has many features available that are designed to assist officers with the development and assessment of information. The computer proficiency requirements related to the PEP are designed to test an officer's ability to access the Department's information resources and apply the information to policing. Levels 1 & 2 of training allow the officer to make both general and specific inquiries in Spillman, on people, vehicles, weapons, property and methods of occurrence.

Level 3 provides the officer with the ability to use the word processing program, which is generally available to all employees, and also the email/calendar program.

Level 4 requires that the officer be able to perform advanced word processing functions such as: setting margins, creating a letter, using a document template, and other advanced skills. It also requires an advanced knowledge of the email/calendar program, and a basic knowledge of the spreadsheet program.

The specific requirement for computer proficency skills (1-4) can be found in: See attachment: PEP apendix.pdf

1038.2 TESTING AND ASSESSMENT

Written test questions have been developed for each of the ten general categories of study identified in the PEP. The questions cover a wide variety of issues related to the categories. The level of knowledge necessary to answer the questions is correlated with the specific level of advancement that the officer is testing for.

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The test includes 50 questions based on the resources accessible to the applicant. The questions are designed to determine if an applicant has developed a sufficient understanding of the information that pertains to a specific category.

1038.3 TEST REVIEW

The complete edition of the PEP test for advancement at each step will include:

(a) Individual categories of knowledge

(b) Actual questions within each category

(c) The possible responses for each question

(d) The correct response for each question

(e) The source of each question

1038.4 ELIGIBILITY FOR ADVANCEMENT

Officers will be eligible to complete the testing procedure for advancement to the level of Senior Police Officer (Level 1) when reaching the 6 year step, whether through actual time of service at the department or as a result of an accelerated step upon hire. Each of the subsequent steps will be based upon the amount of time that has accrued since the date of the officer's last advancement.

When an individual officer meets the minimum length of service requirement, they shall complete the top portion of the "Request for Advancement in the Position Enhancement Program" memo (APD Form #_045), See attachment: APD_045 PEP Advancement Memo 2024.pdf An officer may take the written exam or the computer proficiency test any time during the 45-day period prior to their eligibility date.

The District Commander, or other designated supervisor, will complete the appropriate section of the application form by indicating whether or not the officer's previous evaluation represent a consistent rating. The supervisor may also certify that the applicant meets all other necessary eligibility requirements.

Within 5 working days after receiving the application notice, the supervisor must forward the certification form to the designated employee executing the testing process.

If an officer does not pass the written test, computer proficiency test, or fails to meet the minimum evaluation score, that officer may request to meet with the supervisor who denied the request for advancement. The purpose of the meeting will be to counsel the officer so that the officer understands what changes need to be made before advancement will be approved.

When the designated employee has received and approved all information and documentation related to the requirements for advancement, within 10 working days, the request for advancement will be forwarded to the Chief of Police.

The Chief of Police will be responsible for confirming an officer's request for advancement. The approved advancement form will be sent to the Human Resources Department so that the officer may begin receiving the additional pay.

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1038.5 TEST COMPLETION

The applicant will be required to complete the test within a three-hour period. The officer will be required to schedule the testing session with the designated employee. No overtime compensation will be awarded if the officer elects to take the exam while he or she is not working. The officer needs prior supervisor approval to ensure proper staffing is in place while they take the test if they elect to take the test while on duty.

The test will be presented to the applicant in a written form.

The applicant will not be allowed to discuss the test with other officers or supervisors during the actual test.

Officers must achieve the appropriate minimum score to pass the written exam. The applicant will be given the results of the exam(s) upon completion.

If the applicant fails to pass the required tests, he/she will have to wait 60 days before being eligible to take the exam(s) again. There is not limit to the number of attempts.

1038.6 EVALUATION OF OTHER ADVANCEMENT CRITERIA

If the applicant does not feel sufficiently trained or qualified for the computer-skills test, he/she should contact the Professional Development Coordinator to determine when/where the appropriate training is being offered, and then complete a training request for that training. Overtime is not allowed for this training, however applicants may complete the training while on duty when the schedule permits.

It will not be the responsibility of the designated employee, or any other supervisor or staff person to notify the officer of their eligibility date or to ensure that the officer completes the testing in a timely manner. The officer needs to make an appointment with the designated employee, with sufficient prior notice, in order to complete the testing process.

It shall be the responsibility of the designated employee to forward all advancement notices to the Human Resources Department for pay increases.

1038.7 APPEALS PROCESS

An employee participating in the PEP may appeal any alleged inequity in the way a particular portion of the program has been applied. The initial appeal shall be made in writing to the Assistant Chief. If the Assistant Chief is not able to arbitrate the difference, the employee can request that a review board be impaneled.

The review board shall consist of an equal number of the employee's peers and supervisor/management personnel (totaling four board members) with the Professional Development Coordinator as the chairperson. After reviewing the employee's appeal and receiving input from all concerned parties, the review board will issue a written opinion outlining their decision. The written recommendation will be forwarded to the Chief of Police. The decision of the Chief shall be final.

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1038.8 MONETARY INCENTIVE

Officers who successfully complete the prerequisites and testing for the levels of advancement will receive a percentage of base pay increase.

If an officer completes all phases of the testing process within the 45-day timeframe, the effective date for advancement and increased pay will be the officer's anniversary/eligibility date.

If an officer has not completed all phases of the testing process within the 45-day timeframe, the effective date for advancement and increased pay will then be the pay period following the successful completion of the testing procedure.

Each successful step will award the officer a 2.5% pay increase.

1038.9 CAREER ENHANCEMENT REQUIREMENTS FOR ADVANCEMENT

Existing Advancement Levels

Starting Step - Starting police officer

6 Month Step - after six months of service

2 Year Step - after 2 years of service

3 Year Step - after 3 years of service

4 Year Step - after 4 years of service

5 Year Step - after 5 years of service

1038.9.1 SENIOR POLICE OFFICER

Must have served a minimum of 12 months at the level of officer six.

Must achieve a minimum of a three-year average overall evaluation score of a successful or consistent rating.

Must be able to achieve and maintain knowledge commensurate with the position of Senior Police Officer as demonstrated by a score of 65% on the written exam.

Must successfully demonstrate and maintain Level 1 computer skills proficiency.

1038.9.2 MASTER POLICE OFFICER

Must have served a minimum of 12 months as a Senior Police Officer.

Must achieve a minimum of a three-year average overall evaluation score of a successful or consistent rating.

Must be able to achieve and maintain knowledge commensurate with the position of Master Police Officer as demonstrated by a score of 70% on the written exam.

Must successfully demonstrate and maintain Level 2 computer-skills proficiency.

1038.9.3 SERGEANT

Must have served a minimum of 18 months at the level of Master Police Officer.

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Must achieve a minimum of a three-year average overall evaluation score of a successful or consistent rating.

Must be able to achieve and maintain knowledge commensurate with the position of Sergeant as demonstrated by a score of 70% on the written exam.

Must successfully demonstrate and maintain Level 3 computer-skills proficiency.

1038.9.4 SENIOR SERGEANT

Must have served a minimum of 18 months at the level of Sergeant.

Must achieve a minimum of a three-year average overall evaluation score of a successful or consistent rating.

Must be able to achieve and maintain knowledge commensurate with the position of Senior Sergeant as demonstrated by a score of 75% on the written exam.

Must successfully demonstrate and maintain Level 4 computer-skills proficiency.

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APD Logo - External Use

1039.1 PURPOSE AND SCOPE

The Appleton Police Department (APD) and the City of Appleton have an interest in protecting the external use of the APD logo. The external use of the logo by authorized persons and/or organizations supports our work in the community. This policy provides the steps which will be taken to authorize external individuals and/or organizations to use the APD logo.

1039.2 POLICY

The City of Appleton Police Department's logo ("logo") is the copyrighted property of the City of Appleton and may not be used by non-City entities without the express written consent of the Appleton Police Department ("APD"). Entities hired by the City to use the logo to perform work on the City's behalf are exempt from this policy.

If a person and/or organization is interested in using the logo for non-City business, the following procedure is to be used to receive non-exclusive right for logo use:

1. The requesting person and/or organization will contact the office of the Chief of Police and request permission to use the logo. The Chief (or a designee) will request specific information be provided in an email. Specific information will, minimally, include: the timeframe of the use, the manner of use (social media, photography, advertising, etc.), and contact information of the requesting person/organization. The Chief (or a designee) will respond to the request in a timely manner with an approval or denial.
2. Use of the department logo must be consistent with the department's guiding values and philosophy. The Department reserves the right to rescind permission to use the logo at any time for any reason.
3. The requestor and the APD will negotiate and sign a written agreement memorializing the Authorization to Use the APD Logo.

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Attachments

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Appendix A - Snow Emergency Procedure.pdf

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APPENDIX A

Snow Emergency Procedures

1. Mayor or designee declares a snow emergency and classification
2. Support Services Specialist or designee issues press release advising of snow emergency and police response to include the ticketing and towing of vehicles.
3. Shift Supervisor coordinates Officer/CSO response and determines if hold over and/or call-in assignments are needed.
4. Shift Supervisor provides time line and district assignments for the ticketing of vehicles. This includes Officers/CSOs attempting to contact vehicle owners before towing is required.
5. PCS/Communications Center will contact tow services on APD tow list, advising of snow emergency and timeframe for towing vehicles. This ensures organized/timely response to tow vehicles.
6. Officers/CSOs will contact next wrecker up for towing of vehicle via APD Channel 2.
7. Officers/CSOs will contact PCSs and have vehicle information, location and tow service listed on log at front desk. This will reduce calls/complaints with owners attempting to locate their vehicle(s).

OCCPArticle14.pdf

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ARTICLE XIV – CHAPLAINS, DEFINITIONS, PROCEDURE, DUTIES AND TRAINING

DEFINITIONS

A. Police Chaplain: A volunteer, non-sworn clergy person, affiliated with an established church body, independent of any participating OCCP law enforcement agency, who is appointed and supervised by the OCCP Board of Directors.

B. Head Chaplain: A volunteer, non-sworn clergy person, affiliated with an established church body, independent of any participating OCCP law enforcement agency, who is appointed and supervised by the OCCP Board of Directors. The Head Chaplain will be a part of the OCCP Board of Directors and assist with duties to include, but not limited to:

1. Be a point of contact for the OCCP Board of Directors and OCCP Chaplains.
2. Scheduling of OCCP Chaplains for on-call status.
3. Information dissemination.
4. Other issues, as they may arise.

C. Board of Directors: Coordinates the OCCP program, which serves all participating law enforcement agencies. This committee will be comprised of four officers of varying ranks, one member from among four of the participating agencies.

D. Public Contact: Contact between a chaplain and the general public.

E. Personal Contact: Contact between a chaplain and an employee (or member of their family) of any participating agency. ALL such contacts are strictly confidential under WI SS 905.06.

PROCEDURE

A. Requirements.

1. Chaplains are not sworn law enforcement officers and possess no law enforcement authority, unless acting at the direction of a sworn police officer, under the authority of the Chief or Sheriff.
2. Chaplains are appointed by the Board of Directors of the OCCP.
3. Chaplains are issued a photo identification card, designating their title and expiration period.
4. Chaplains are to assist law enforcement personnel and community members in whatever way they can, generally through a neutral ministry of presence.
5. Chaplains shall not interfere with any participating law enforcement agency member or the performance of their duties.
6. Chaplains must be ordained or licensed ministers of a recognized religious body, with a desired 5 years of successful ministry experience. However, a minimum of at least 2 years of successful ministry experience and life experiences will be considered.
7. Chaplains must never have been convicted of a felony.
8. Chaplains must have a valid Wisconsin driver's license.
9. Chaplains must work toward credentialing in the International Conference of Police Chaplains (ICPC).

B. Selection of Chaplains

1. Submit a written application to the OCCP Board of Directors, including professional references.
2. Be in good standing with their religious denomination and have the recommendation of their faith's community elders, board or council.
3. Successfully complete an interview with the OCCP Board of Directors.
4. Successfully complete an appropriate-level background investigation, completed by a law enforcement agency participating in the OCCP.

5. Complete a successful probationary period as designated by the OCCP.

C. Duties and Responsibilities

1. Respond to an incident scene that may include, but not be limited to death notifications, major crash scenes, major fires, a suicide or an attempt of one, family problems, child and/or senior abuse or neglect, public demonstrations, or assistance to victims or families of victims.
2. Visit seriously ill or injured members and/or family members of participating OCCP agencies.
3. Attend and participate in, when requested, funerals of active or retired members of participating OCCP agencies.
4. Provide confidential counseling and spiritual guidance to members of participating OCCP agencies, when requested.
5. Attending various OCCP member departmental ceremonies and offering invocations and benedictions, as requested.
6. Participate in various OCCP member departmental training classes.
7. Participate frequently in ride-alongs with members of participating OCCP agencies. During in-progress calls, chaplains may be required to standby in a secure area until the situation has been deemed safe.
7. Willingness to continue training to enhance effectiveness as a police chaplain.
8. Willingness to conduct training for members of participating OCCP agencies.
9. Chaplains may not proselytize or attempt to recruit members of participating agencies or the public into a religious affiliation while on-duty, unless the receiving person has solicited spiritual guidance. If there is any question, chaplains should verify the person is desirous of spiritual counseling or guidance before engaging in such discussion.
10. Chaplains may not accept gratuities for any service that was provided while on-duty as an OCCP Police Chaplain.
11. Chaplains shall not discuss or criticize any participating OCCP agency or its activities, nor release any information to any media source or social media source. No official statements are allowed while serving as a duly appointed OCCP Police Chaplain.
12. Chaplains shall maintain all confidential conversations with employees and/or their family members as privileged. Chaplains shall keep all privileged communication to themselves unless waived by the employee or family member, unless the communication affects the physical safety of the employee, the family member or others.

D. Training

1. The OCCP Board of Directors will establish a minimum number of training hours required per year for a participating volunteer chaplain to retain their chaplaincy. This training may consist of many beneficial topics that could include, but not be limited to stress management, death notifications, post-traumatic stress disorder, suicide prevention, substance abuse, burnout for law enforcement and/or chaplains, legal liability, confidentiality, ethics, responses to crisis situations, and diversity issues.
2. The OCCP Board of Directors will work closely with volunteer police chaplains to facilitate their on-going training.

Drug alcohol testing provider info 2023.pdf

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IMPORTANT

CHANGES FOR DRUG AND ALCOHOL TESTING EFFECTIVE IMMEDIATELY

Identification must be presented at all tests.

The following resources will be used for drug and alcohol testing:

Regular Business Hours (7:30 a.m. – 4:30 p.m.)
Ascension Wisconsin Occupational Health Clinic
1186 Appleton Road
Menasha, WI 54952
Phone: 920-727-8700

After-Hours (evenings, weekends, and holidays)
Ascension Wisconsin St. Elizabeth Emergency Department
1506 S. Oneida Street
Appleton, WI 54915
Phone: 920-738-2000

Process for after-hours drug & alcohol testing:

1. *Post-Accident or Reasonable Suspicion:* Transport the employee to the testing location, identify the employee is from the City of Appleton or Valley Transit, and inform staff of they type of testing needed.

2. *Random Testing:* Employee is given a testing notice and should proceed directly to the test location (upon arrival employee should identify as an employee of the City of Appleton and indicate the need for testing. Valley Transit staff please indicate that the testing will be FTA.)

January 23, 2023

PEP apendix.pdf

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APPENDIX I

Levels 1 & 2

I. Sign-on

A. All Officers should be able to sign on to the computer using his/her individual passwords.
B. All Officers should have a fundamental knowledge of the keyboard and the basic auxiliary keys (Page Up/Down, Enter, cursor keys, etc.)
C. All Officers should understand what is available through the Spillman System.

II. Incident Inquiry – Spillman Flex and Mobile

A. Officers should be able to research a particular incident with only the incident number available.
B. Officers should be able to locate the following information:

1. Law incident, name, and vehicle
2. Calls for service within a certain time perimeter
3. Involvements within a call for service
4. Offense information
5. Complainant information

Level 3

I. Access word processing program (MS Word)

A. Create a memo template
B. Re-access the template and then type and save the memo

II. Access email/calendar program (Outlook)

A. Create an email
B. Attach memo that was created in word processing program and send

Level 4

I. Access word processing program (MS Word)

   A. Create a letter
   B. Print letter and envelope

II. Access email/calendar program (Outlook)

   A. Open email
   B. Access attachments
   C. Search for specific email from past

III. Access spreadsheet program (MS Excel)

   A. Create a spreadsheet
   B. Add rows/columns
   C. Delete rows/columns
   D. Copy/Paste data

APPENDIX III

POLICE OFFICER KNOWLEDGE AND SKILL AREAS

A. Criminal Law / Constitutional Law

1. Elements of Violations
2. Warrants
3. Arrests

B. Use of Force, Equipment & Firearms / Policies

C. Arrest, Search and Seizure / Policies

D. Patrol Procedures /Policies

1. Communications
2. Patrol Procedures

E. Investigative Procedures / Policies

1. Evidence – Collection and Preservation
2. Search and Seizure Guidelines
3. Major Case Investigations
4. Criminal Investigations

F. Report Writing Procedures / Manual

G. Juvenile Law - Procedures / Policies

1. Juvenile Procedures
2. Juvenile Runaways

H. Crime Prevention Techniques

I. Vehicle Crash Investigation / Policies

J. Evidence Handling - Processing / Policies

K. Case Preparation / Courtroom Procedures

L. OMVWI Enforcement / Policies

M. Specialized Equipment Operation

N. City Ordinances

O. First Responder Procedures

P. Knowledge of Controlled Substances

Q. Traffic Enforcement Procedures

1. Traffic Direction
2. Vehicle Law
3. Driver's License Verification
4. Vehicle License Verification

R. Emergency Vehicle Operations Skills

S. Interview and Interrogation Techniques

T. Domestic Abuse, Mental Health Intervention Procedures / Policies

U. Department Rules and Regulations

V. Other current policies and procedure

APD_045 PEP Advancement Memo.pdf

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REQUEST FOR ADVANCEMENT IN THE POSITION ENHANCEMENT PROGRAM

TO BE COMPLETED BY OFFICER: Date Submitted:

Officer requesting advancement: City ID #:

Current Step: ☐ Patrol Officer ☐ Master Police Officer

☐ Senior Police Officer ☐ Sergeant

Highest educational degree completed:

- -

TO BE COMPLETED BY DISTRICT/UNIT COMMANDER:

A. Recent evaluations show that the officer meets or exceeds expectations: ☐ Yes ☐ No

B. Officer is authorized to advance in this program: ☐ Yes ☐ No

Authorization for advancement:

Date: Supervisor's Signature:

- -

TO BE COMPLETED BY TEST ADMINISTRATOR:

Policy Test #:____ Score:_______ Date:__________

Computer Test(s):

☐ Spillman Date:___________

☐ Word Date:___________

☐ Outlook Date:___________

☐ Excel Date:___________ Test Administrator:_________________

_________________ has successfully met all the eligibility requirements for advancement in the Position Enhancement Program and is eligible for an increase in pay based on the criteria for the program. FROM:___________________ TO:____________________

ELIGIBLE AS OF:__________________ Contractual Wage:________________

☐ I concur	______________________________ Todd Thomas Chief of Police	____________________ Date

☐ I do not concur	______________________________ Todd Thomas Chief of Police	____________________ Date

Original: Scan/Email to Melody Rank (HR)

cc: District/Unit Supervisor
Officer
Fiscal Resources
Support Services

Firearms Appendix A.pdf

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2018 Outagamie Officer Involved Domestic Policy.pdf

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OUTAGAMIE COUNTY

OFFICER INVOLVED

DOMESTIC VIOLENCE

POLICY

November 7, 2018

I. PURPOSE

The purpose of this policy is to establish clear procedures, protocols, and actions for investigating, reporting, and responding to domestic abuse involving employees of law enforcement agencies in Outagamie County and law enforcement officers from other jurisdictions and to thereby discourage and reduce acts of domestic abuse. This policy will provide guidance in addressing incidents where one (or more) party to a reported domestic abuse incident is an employee, whether sworn or civilian, of any rank in a law enforcement agency.

II. GUIDING PRINCIPLES

Public confidence in law enforcement is important to our ability to maintain public safety. Transparency is very important when investigating officer involved domestic abuse incidents. However, nothing in this policy should be read as impacting Open Records law. This policy recognizes that the profession of law enforcement is not immune from members committing acts of domestic abuse against their intimate partners. The participating agencies will not tolerate domestic abuse by their employees. The public must trust that law enforcement employees are held to the same standards of the law regarding domestic abuse. Federal law prohibits police officers convicted of qualifying domestic violence crimes from possessing firearms, pursuant to the Lautenberg Amendment of the Federal Firearms Act. In such cases, the chief or sheriff shall present a case for termination to the body vested, under Wisconsin Statute, with the authority to terminate an officer. The policy will apply to past convictions, pending, existing, or future domestic violence, or domestic abuse crimes or cases.

III. DEFINITIONS

A. "Outagamie County law enforcement agency employees" refers to any person, sworn or civilian, who is employed by a law enforcement agency within Outagamie County.

B. "Domestic abuse" refers to an act or pattern of abuse perpetrated by an individual

upon his or her intimate partner not done in defense of self or others, including but not limited to, the following:

1. Intentional infliction of physical pain, physical injury or illness
2. Intentional impairment of physical condition
3. Sexual assault
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct listed in 1., 2., or 3.

C. An "intimate partner" is any person who meets one or more of the following criteria:
   1. Spouse or former spouse
   2. An adult with whom the person resides or formerly resided
   3. An adult with whom the person has a child in common

D. "Protection order" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:
   1. Violent or threatening acts against another person
   2. Stalking or harassment of another person
   3. Contact or communication with another person
   4. Physical proximity to another person

IV. PROCEDURES

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic abuse are evident, institutionalize a structured response to reported incidents of domestic abuse involving law enforcement agency employees,

and offer direction for conducting the subsequent criminal and administrative investigations.

Participating Agencies will agree to:

1. Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a law enforcement position has a history of domestic abuse or child abuse allegations or has been subject to a protection order.
2. Cooperate and participate in programs designed to educate employees' partners and families about intimate abuse and avenues for assistance.
3. Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic abuse professionals in the community.
4. In response to observed warning signs or at the request of an employee, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic abuse occurs, which will include providing services such as, employee assistance programs that should be outlined in critical incident or employee wellness policies.
5. Provide information to the employing law enforcement agency as soon as possible after a domestic abuse incident involving an employee.
6. Provide information on this domestic abuse policy to employees and make it available to employee families, partners and the public.
7. Provide victims of domestic abuse by agency employees contact information about domestic abuse services available.
8. Provide a point of contact and review safety concerns and domestic abuse service information with any agency employee who is known by the agency to be a victim of abuse by a law enforcement officer.
9. Provide for an appropriate criminal investigation and an impartial administrative investigation of all acts of domestic abuse allegedly committed by an employee and

appropriate sanctions when it is found that the employee has committed an act of domestic abuse. Criminal investigations will be handled as outlined in this agreement. In addition, administrative investigations may also be conducted by the employing agency or through agreements with other law enforcement agencies. Employees who disclose they have personally engaged in criminal acts of domestic abuse are not entitled to confidentiality.

Employee Actions and Expectations:

1. Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
2. Employees who engage in the following actions will be subject to discipline up to and including dismissal:
    a. Failure to report knowledge of abuse or abuse involving a law enforcement officer.
    b. Failure to cooperate with the internal investigation of an employee domestic abuse case (except in the case where that officer is the victim).
    c. Interference with cases involving themselves or other officers.
    d. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
3. When a law enforcement agency responds to a call in which an employee is alleged to have been involved in a domestic dispute or committed an act of domestic abuse, employees who are accused in participating agencies must immediately report that police response to their supervisor.
4. Employees who are the petitioner or learn they are the respondent of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, are required to immediately report that information to their supervisor.

5. Employees who are victims of domestic abuse are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.

Notification Protocols

1. Notification of an incident of domestic abuse involving any employee requires:
    a. A prompt supervisor response
    b. Full investigation
    c. A complete report by investigating agency
    d. Notification to the employing agency
2. All incidents of domestic abuse by employees require notification directly to the agency head.
3. Incidents of domestic abuse by non-Outagamie County law enforcement agency employees require notification to the agency head of the employing agency.
4. In the event of a report of domestic abuse alleged to have been committed by the agency head, prompt notification will be made to the employing entity's chief executive officer; or, in the case of an elected Sheriff, the Outagamie County District Attorney or designee.
5. Incidents of officer involved domestic abuse should be reported immediately to the Outagamie County District Attorney or designee by the investigating and employing agency.

Communications Center Response

1. Communications Center employees receiving domestic abuse calls involving employees will enter a call for service and notify the on-duty Communications Center supervisor.
    a. Communications Center employees will dispatch two units to both on-going and past-tense incidents, as well as notify the on-duty patrol supervisor. If a

jurisdiction does not have an on-duty supervisor available, one will be assigned under the agency or mutual aid protocol.

2. Communications Center employees will prepare and preserve documentation of the facts of the call, including the 911 tape. The Communications Center supervisor will preserve the 911 tape.

Patrol Response

1. A patrol officer responding to a domestic abuse incident involving an employee shall request a supervisor respond to the scene consistent with department policy, if one has not been dispatched.
2. The responding officers shall perform the following actions:
    a. Obtain needed medical assistance
    b. Address immediate safety of all parties involved
    c. Secure the scene and preserve evidence
    d. Note all excited utterances, admissions and/or incriminating statements
    e. Hold the scene until the supervisor arrives
    f. A written report will be completed by all officers at the scene prior to the end of their shift
3. For an incident involving an employee from the responding agency's jurisdiction (i.e.; an officer living in Appleton and Appleton PD responding to the call) the patrol officer or supervisor will contact another agency pursuant to department protocol or notify command staff in a timely manner to make that decision.
4. For an incident involving an employee from a jurisdiction different from the responding agency, the patrol supervisor will coordinate the investigation applying appropriate resources as necessary.

Patrol Supervisor Response

1. A patrol supervisor shall respond whenever feasible to the scene of any domestic abuse incident involving an employee regardless of the employing jurisdiction.
2. The patrol supervisor shall coordinate the investigation, applying appropriate resources.
3. The supervisor will write a report on all incidents, whether deemed criminal or not, and route it through the chain of command.
4. If an agency officer is arrested, the on-scene supervisor will seize all agency-issued weapons, and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
5. If an officer from another jurisdiction is arrested, the supervisor shall contact that jurisdiction as soon as practicable, but at least prior to custody transport, and request authorization to seize that employee's duty weapons and agency identification or arrange for the employing agency to do so.
6. The supervisor will make every reasonable effort to locate the suspect if there is probable cause for an arrest.
7. The supervisor will explain the process to the victim, including the opportunity for a protection order.

Investigator response

1. The investigator assigned to the incident will conduct a thorough investigation, including, but not limited to:
    a. Photographs of the crime scene and any injuries identified
    b. Statements from all witnesses, including children, if any
    c. Completion of the Outagamie County Domestic Abuse Worksheet
    d. Seizure of any weapons used or referred to in the crime
    e. Signed medical releases
    f. Copies of dispatch (CAD) records
    g. 911 call recording

h. Statement of the victim
i. Statement of the suspect, if possible
j. Collect and review officer recorded media
k. The investigator shall inquire if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal
l. The investigator will complete the report as soon as possible

2. The command staff of the investigating agency should delegate responsibility for the investigation to someone trained to handle complex, sensitive investigations, as governed by the department's major case/incident policy or an internal affairs policy or by calling in an agency with such capability. The assignment should be reviewed each time for potential conflict of interest.
3. The investigator will coordinate with the Outagamie County District Attorney's Office regarding charging and prosecution.
4. The investigator will coordinate with Harbor House to assist with victim safety concerns and notify the victim of any issues that arise critical to victim safety.
5. All completed investigations of domestic abuse committed by an employee shall promptly be forwarded to the appropriate prosecuting authority for a charging decision. Any questions during the investigation can be directed to the Outagamie County District Attorney or his/her designee. Continued follow-up with the assigned prosecutor shall occur until a charging decision is made. Any conflicts of interest during the investigation or prosecution of a case will be determined by the District Attorney in accordance with the Wisconsin Supreme Court Rules of Professional Conduct.

Administrative Process

1. The agency will provide the victim a copy of this policy and contact information for the person who will be the department's liaison to the victim during the process.

2. The agency will observe all other policies and procedures generally applicable to investigation of alleged officer misconduct. The agency will respect rights of the accused employee under applicable collective bargaining agreements, case law and the Law Enforcement Officers' Bill of Rights.
3. The agency shall conduct an administrative investigation separate from the criminal investigation. The administrative investigation may be conducted by an outside agency as directed by the agency head.
4. In the case of an arrest for domestic abuse, the employee will be placed on administrative leave pending the outcome of an administrative investigation. Where sufficient information exists, the agency shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination in accordance with due process.
5. If an investigation of an incident uncovers officers who had knowledge of the abuse on the part of another officer but failed to notify the agency or engaged in actions intended to interfere with the investigation, the agency shall investigate those officers and take disciplinary action as warranted.
6. In a timely manner, the agency shall ensure that all employees who dispatched or responded to an employee domestic violence call are debriefed. The debriefing shall include the following:
    a. Review agency confidentiality guidelines with assigned employees
    b. Order employees not to discuss the incident outside of the official inquiry

Release of Information

1. This policy is subject to open records law. All information released shall be communicated and discussed with the District Attorney and / or her designee.

County – Wide Policy Debriefing

1. After an officer involved domestic abuse incident, the case will be reviewed to determine whether the policy was followed, how the policy assisted in the investigation and whether any changes to the policy need to be made.
2. The review will be coordinated by the District Attorney or his/her designee and will include representatives from the investigating agency, the officer's agency and other appropriate parties.
3. The District Attorney will maintain any comments or edits to the policy that should be considered when the policy is next reviewed. If immediate changes should be made to the policy, the District Attorney will reconvene the Officer Involved Domestic Abuse Policy Committee.
4. An annual review of the policy will be completed by the Officer Involved Domestic Abuse Policy Committee.
5. Once the Committee has met, the District Attorney will report back to the Outagamie County Law Enforcement Executives at the last quarterly meeting of the year on how the policy is working, how many times it was put in place, any changes that are necessary, and any concerns or issues the District Attorney or members have.

Dated: November 7, 2018

Chief Todd Thomas
Appleton Police Department

Chief Lowell James
Black Creek Police Department

Chief Chris Nechodom
Freedom Police Department

Chief Greg Peterson
Grand Chute Police Department

Chief Kris Brownson
Hortonville Police Department

Chief John Marion
Kaukauna Police Department

Chief Daniel Meister
Fox Valley Metro Police Department

Chief Jeff Schlueter
New London Police Department

Chief Richard Van Boxtel
Oneida Police Department

Chief Richard A. Buntrock
Seymour Police Department

Chief George
Shiocton Police Department

Chief Gregory Deike
Wrightstown Police Department

District Attorney Melinda Tempelis
Outagamie County District Attorney's Office

Sheriff Bradley C. Gehring
Outagamie County Sheriff

Beth Schnorr – Executive Director
Harbor House

Firearms Appendix A.pdf

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APPENDIX A

Appleton Police Department Approved Duty Firearms and Ammunition

A. Primary Duty Handguns: Glock and models for grandfathered officers as of 02/01/2019.

1. See form APD_227 for current list of primary firearms.
2. Grandfathered firearm prior to 02/01/2019.

B. Secondary Duty Handguns

1. Minimum specifications for additional secondary handguns that may be approved:

   a. Shall be commercially manufactured by a nationally recognized company

   b. Shall have a minimum ammunition capacity of five (5) rounds

   c. May be a semi-automatic or revolver operating system

      i. Semi-automatic pistol:

         1. Approved calibers are .380, 9mm, .40 and .45

         2. It can be a double action with a manual de-cocking lever, double action only pistol, or a single action pistol with a thumb safety

      ii. Revolver:

         1. Approved calibers are .38 or .357
         2. Capable of double action fire
         3. Barrel length must be a minimum of 1.78 inches

C. Patrol Rifles

1. APD owned/issued.223 caliber short barrel rifle (SBR) semi-auto AR-15 platform
2. Personal rifles should be one of those listed on the weapon approval form (Appendix B)
3. Personal rifles need to be .223 or 5.56 calibers
4. Personal Rifles can be short barreled or long barreled

D. Less Lethal Projectile Delivery System

1. Remington model 870 pump shotgun 12 gauge

E. Special Duty Firearms (SWAT)

1. SWAT SBR Rifles

   a. Rifle System approved by SWAT Commander
   b. Suppressors

      aa. Surefire Sound Suppressors OBR Sniper Rifles
      bb. Sound Suppressors for Short Barreled Rifles

2. Sniper Rifle

   a. LaRue Tactical .308 caliber OBR
   b. Approved Light Sniper Rifle 5.56

3. Chemical / Less Lethal Launcher

   a. Federal Gas Riot Gun (1.56 cal), 37mm

   b. Def-Tec Gas Riot Gun (1.5 cal), 37 mm

   c. Sage SL-1 Less Lethal Launcher 37 mm

   d. Sage SL-6 Less Lethal Launcher 37 mm

   e. L8 37mm multi launchers

   f. GL-1 Penn Arms 40 mm launcher

4. Shock Lock Door Breeching Shotgun

   a. Remington 870 pump 12 ga shotgun

F. Duty Ammunition

1. .380 caliber, 90 gr Speer Gold Dot HP

2. .38 + P caliber, 135gr. Speer Gold Dot HP for short barrel

3. 9mm caliber, 124 gr. + P Speer Gold Dot HP

4. 9mm caliber, 124 gr. SHORT BARREL +P Speer Gold Dot HP for sub-compacts

5. .40 S&W caliber, 180 gr. Speer Gold Dot HP

6. .45 ACP caliber, 230 gr. Speer Gold Dot HP

7. .223 caliber, 64 gr. or 62 gr. Speer Gold Dot HP

8. 12 gauge Less Lethal: CTS model 2581 Super Sock bean bag

9. 12 gauge, shotgun chemical launching (SWAT)

10. 12 gauge Shock Lock frangible door breeching round (SWAT/Officers Dispatching Animals)

11. 12 gauge muzzle flash bang rounds

12. .308 caliber, 168 gr. Hornady A-Max TAP (SWAT)

13. 37mm chemical and less lethal munitions (SWAT)

14. 37mm L8 multi launchers for gas, pepper, and smoke rounds (SWAT)

15. 40 mm chemical and less lethal munitions (SWAT)

16. 40 mm for gas, pepper, and smoke rounds (SWAT)

APPENDIX A

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    a. Shall be commercially manufactured by a nationally recognized company

    b. Shall have a minimum ammunition capacity of five (5) rounds

    c. May be a semi-automatic or revolver operating system

        i. Semi-automatic pistol:

            1. Approved calibers are .380, 9mm, .40 and .45

            2. It can be a double action with a manual de-cocking lever, double action only pistol, or a single action pistol with a thumb safety

        ii. Revolver:

            1. Approved calibers are .38 or .357
            2. Capable of double action fire
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3. Personal rifles need to be .223 or 5.56 calibers
4. Personal Rifles can be short barreled or long barreled

D. Less Lethal Projectile Delivery System

1. Remington model 870 pump shotgun 12 gauge
2. LMT 40mm single launcher
3. PENN Arms 40 mm single launcher
4. Pepper ball .68x72cm launcher

E. Special Duty Firearms (SWAT)

1. SWAT SBR Rifles

    a. Rifle System approved by SWAT Commander
    b. Suppressors

        aa. Surefire Sound Suppressors OBR Sniper Rifles
        bb. Sound Suppressors for Short Barreled Rifles

2. Sniper Rifle

    a. LaRue Tactical .308 caliber OBR
    b. Approved Light Sniper Rifle 5.56

3. Chemical / Less Lethal Launcher

    a. LMT 40 mm single launcher
    b. Pepper ball .68x72 launcher
    c. GL-1 Penn Arms 40 mm launcher

4. Shock Lock Door Breeching Shotgun

    a. Remington 870 pump 12 ga shotgun

F. Duty Ammunition

1. .380 caliber, 90 gr Speer Gold Dot HP
2. .38 + P caliber, 135gr. Speer Gold Dot HP for short barrel
3. 9mm caliber, 124 gr. + P Speer Gold Dot HP
4. 9mm caliber, 124 gr. SHORT BARREL +P Speer Gold Dot HP for sub-compacts
5. .40 S&W caliber, 180 gr. Speer Gold Dot HP
6. .45 ACP caliber, 230 gr. Speer Gold Dot HP

7. .223 caliber, 64 gr. or 62 gr. Speer Gold Dot HP

8. 12 gauge Less Lethal: CTS model 2581 Super Sock bean bag

9. 12 gauge Shock Lock frangible door breeching round (SWAT/Officers Dispatching Animals)

10. .308 caliber, 168 gr. Hornady ELD-M TAP (SWAT)

11. 40 mm chemical and less lethal munitions (SWAT)

12. 40 mm for gas, pepper, and smoke rounds (SWAT)

13. .68x72 cm pepper ball projectile

APD_200 Emergency Contact Notification form.pdf

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At minimum, you must fill out your name, date, and emergency notification person (in blue box). Print, sign, and seal completed form in an envelope. Label the front of the envelope with your name/badge number and initial the seal of the envelope.

APD - Emergency Notification and Death Packet

Full Name: _____

Reviewed Dates: _____

Emergency Notifications

Please list the people you would like to be contacted in case of a serious injury or death in the line of duty.

Begin with the first person you would like to be notified – notification will be in person if at all possible.

Name	Relationship	Address	Phone(s) including cell and work

This Field is Mandatory – A minimum of one name and contact info must be listed

Family Liaison (s)

Who would you like to assist with notifications to your immediate family and be a liaison to them?

Please list several, in the order you would like them asked.

- **It is recommended to have a team of two Liaisons for the immediate family, a lead and an assistant to work with other family members.**
- **It is recommended that very close friends do NOT serve in this role.**
- **You may want to consider a separate Liaison(s) for parents, and parent and a step-parent.**

Husband/Wife/Children Liaisons: _____

Parent/Step Parent Liaison: _____

Is there anyone else you would like contacted to assist your family or to assist with the funeral arrangements, or related matters that is not listed above?

Name **Address** **City** **Phone** **Relationship**

_____

_____

_____

Family Information

Spouse / Significant other: _____

Address (if different): _____

City, State, Zip: _____

Phone number(s) _____

Place of employment: _____

Work number and shift: _____

Children: _____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

If divorced, please provide information about your **ex-spouse:**

Name: _____

Address: _____

City, State, Zip _____

Home Phone _____

Cell Phone: _____

Work Phone: _____

Do you want a police representative to contact your ex-spouse? YES NO

Parents Names: _____

_____

Address: _____

City, State, Zip _____

Home Phone: _____

Cell Phone: _____

Work Phone: _____

Parents Names: _____

_____

Address: _____

City, State, Zip _____

Home Phone: _____

Cell Phone: _____

Work Phone: _____

Do you want a police representative to contact your Parents? YES NO

Please list the names, addresses and phone numbers of other key relatives (siblings, in-laws, etc) and if you want them to be personally notified by a police representative.

Name	Address/ City	Phone	Relationship	Notify by Police Y/N

Additional Information

Social Media: Sometimes after a tragedy, people can be heartless searching social media. Would you like us to help your loved ones deactivate your account? If so, would you like to share this information? This might be best shared with your family.

Facebook name_____ Password _____

Other sites (twitter/LinkedIn/etc...) and passwords_____

Wedding Ring – Jewelry

If you don't wear your ring at work, where is it kept? _____

Are you a veteran of the US armed services?	**YES**	**NO**
If you are entitled to a military funeral do you wish to have one?	**YES**	**NO**
Do you wish a law enforcement funeral?	**YES**	**NO**

Please list any preferences you may have regarding funeral arrangements:

Funeral Home: _____

Church or Synagogue: _____

Cemetery: _____

Please list memberships in law enforcement, religious or community organizations that may assist your family.

_____ _____

_____ _____

_____ _____

Do you have a will? **YES** **NO**

If yes, where is it located? _____

Please list any insurance policies, or FINANCIAL planning items, what you have and where they may be located.

Company	**Policy number**	**Location of policy**

Are there any special requests or directions you would like followed upon your death?

Attach a separate sheet if needed

It is strongly suggested to do as much planning for your funeral as possible, this is the best gift you can give to your family and will allow them more time to process and deal with your loss.

Funeral:

_____

_____

_____

_____

Burial:

_____

_____

_____

_____

Other:

_____

_____

_____

Special accomplishments and achievements you would like noted

Outside of department:

_____

_____

_____

_____

Department Related:

_____

_____

_____

_____

Significant life events (family)

_____

_____

_____

_____

Is there anything to avoid mentioning or anyone you do NOT want at your funeral?

_____

_____

_____

This information will be secured in a locked storage box and maintained in the Communications Unit. This form will be kept confidential. Upon a line of duty death or serious injury, I hereby authorize the Chief of Police, or designee, to share this information with my family and/or persons indicated on this form; and the department may use any or all of this information in the planning and completion of my funeral and related events, **pending approval of my surviving family**.

Name_____ Date completed _____

Signature _____

MUST BE SIGNED IN INK, not electronic signature.

Mental hold flow chart.pdf

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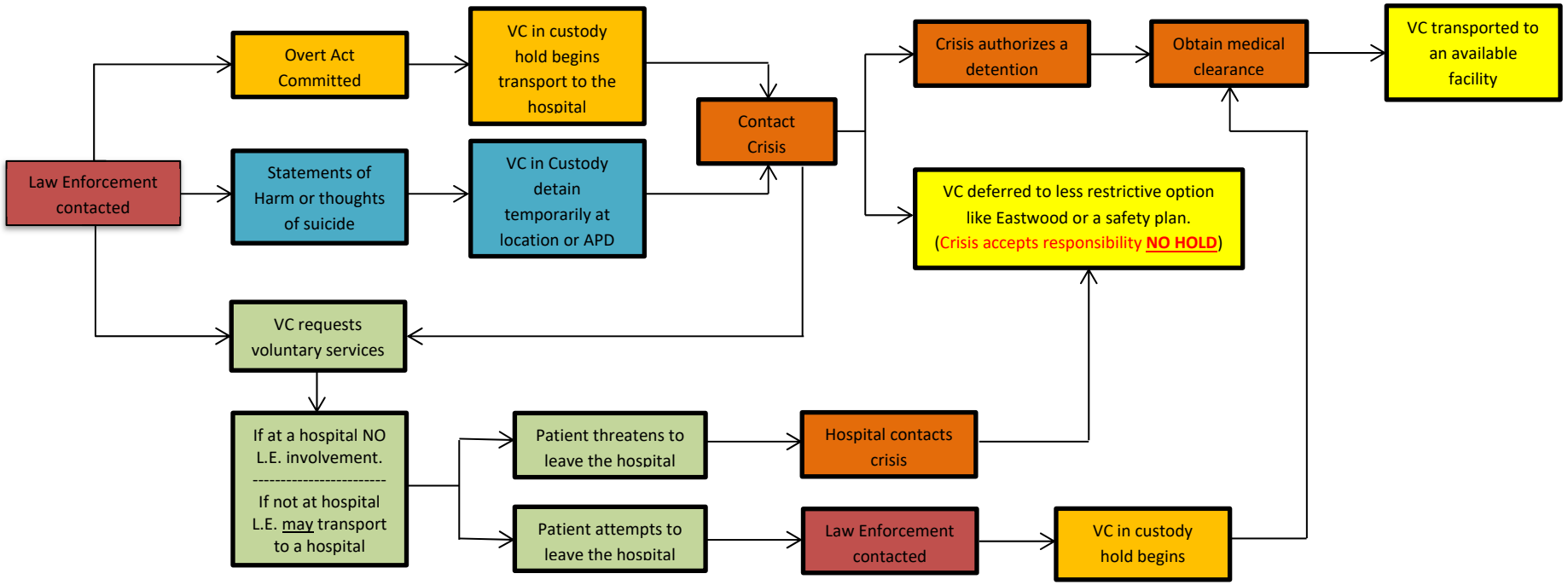
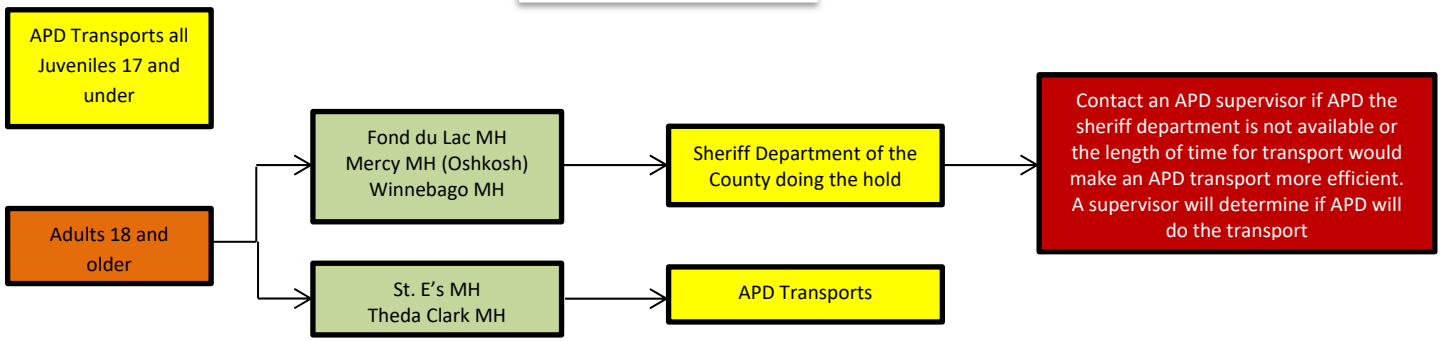
72hr. Mental Commitment Flow Chart



If the VC is on a 90 day Settlement Agreement a new 72hr hold will need to be done.

If the VC is on a commitment order Crisis will authorize placement in a more restrictive setting. NO HOLD.

Transports



Case Management for Supervisors.pdf

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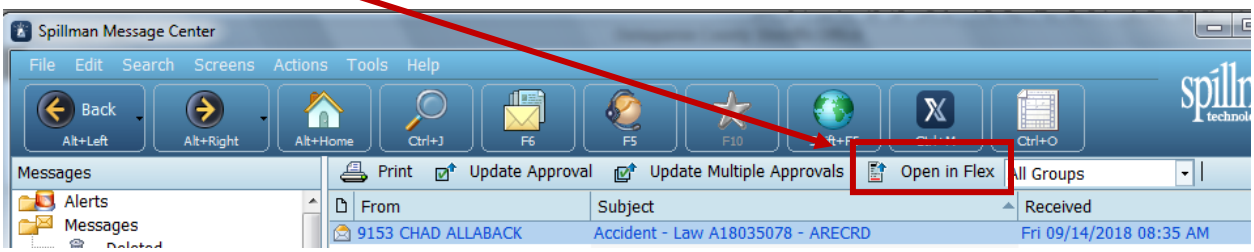
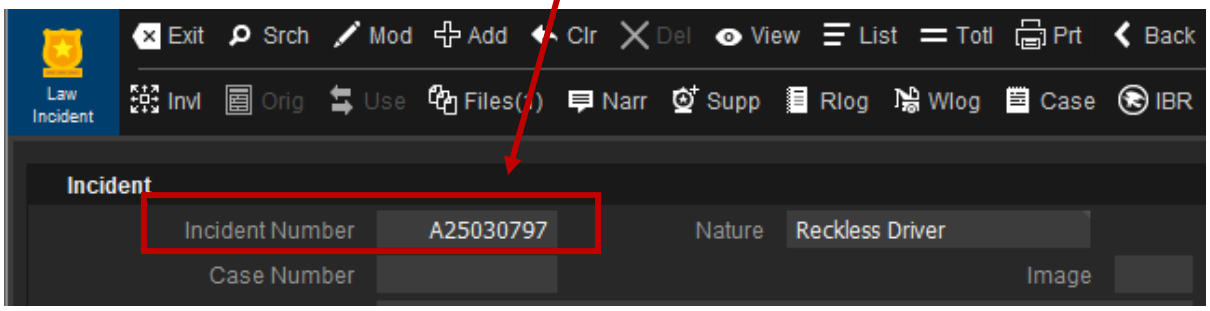
CASE MANAGEMENT

APATSUP (responsibility)

1. Click on incident report in the APATSUP approval folder queue (do not open)
   a. Open in Flex

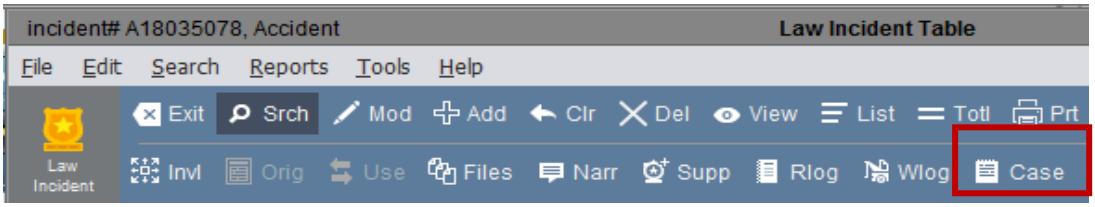


   b. **Alternate option –** Open report via "Law" command in Flex
      i. Search by "Incident Number"



2. If case is being transferred to a known officer – **See Update Responsible Officer Section of this document. Unit Supervisor will complete this step if case is being transferred to another unit.**

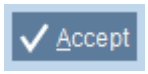
3. Click Case (to open Case Management)



Completely fill in Case Section

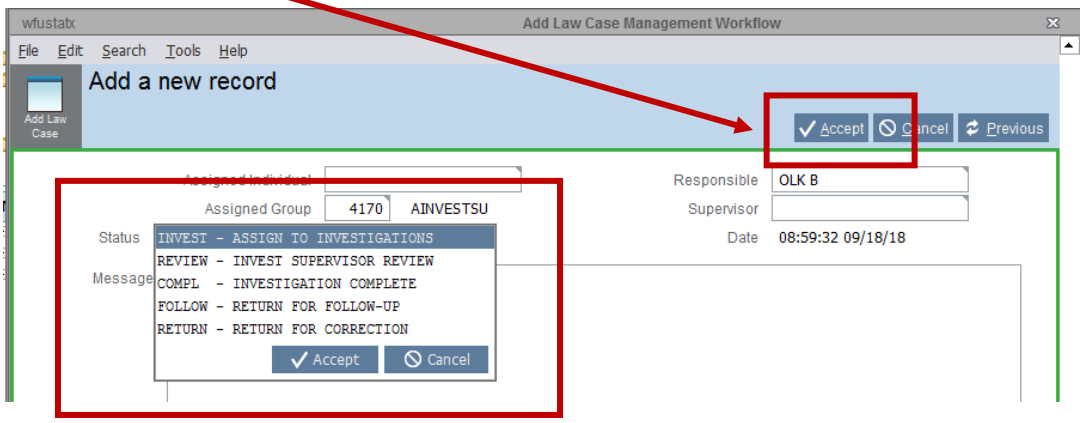
4. Update Offenses (i.e. either (BURG) literal or (220) IBR code)
5. Detail (select most appropriate from the dropdown – Patrol Investigation if staying with a patrol officer)
6. Agency AC (**MUST** be filled in)
7. Officer (If responsible officer is known, insert name. If unknown, **leave blank for case transfers**)
8. Date Assigned (Both boxes)
9. Next Action (Select most appropriate from the dropdown)

10. Current Status (ASN – Assigned. Leave blank for case transfers)

11. Click  . Approval Workflow will automatically open

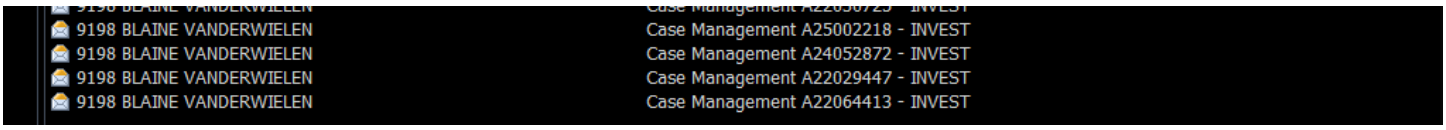
Complete Approval Workflow

1. Place officer name in "assigned individual" box **and** "responsible" box, if applicable.
2. Place name of the appropriate supervisor in Supervisor box, if not being transferred to another unit.
3. Assigned group should be blank, unless being transferred to another unit. (Assigned Group: **4170 – AINVESTSUP)**
4. Status: INVEST – ASSIGN TO INVESTIGATIONS
5. Message: Additional info and/or comments – may include brief description, officer badge number, type of call, location. **Example: "9152: Theft from Vehicle."** Or **"ISU – Death Investigation (Awaiting Death Review OR Assigned to _____)".**
6. Click Accept



After you've assigned the case, you MUST review the report in APATSUP/AINVESTSUP as normal.

Doing it this way sends case management to both the supervisor's inbox and the officer's inbox. It comes through with the title of INVEST.

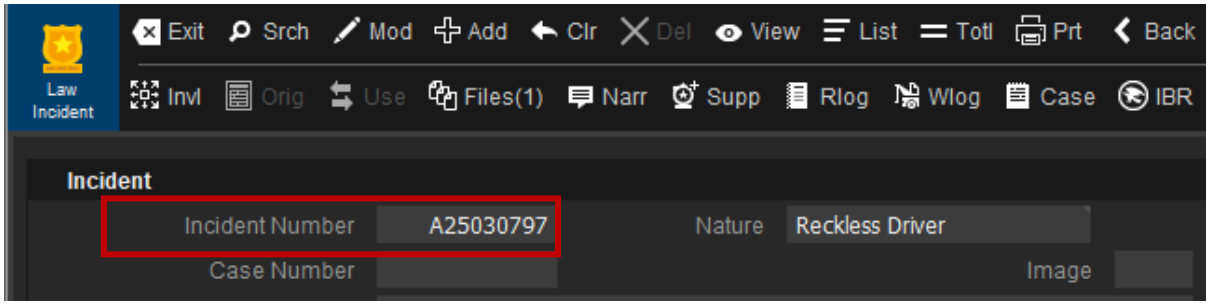


The supervisor can then see how many active cases his or her entire group has and easily click on each to see their progress. The patrol officer also has a constant reminder in their approval box that they have an active case. This hopefully reduces the number of forgotten cases. The inclusion of the extra notes is needed as the title for the case management is very generic and this speeds up finding the case that the supervisor is trying to find.

When an officer feels that they are done with a case, they should send their supervisor the case management as a review. This highlights the case management in the supervisor's inbox and prompts him or her to look over the case. If the case is complete, the supervisor will send it as completed case management so it's out of their inbox. Clearing a case management will be covered on the next page.

Update Responsible Officer

1. Open incident in Flex – open "Law" Incident table. Search Incident Number, if needed.

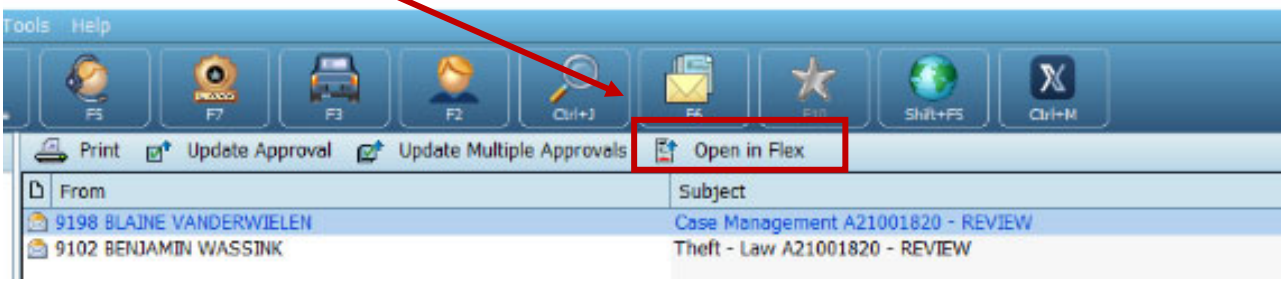


2. Change **"Rspnsbl Officer"** to assigned officer taking over the investigation. Do not change any other fields.

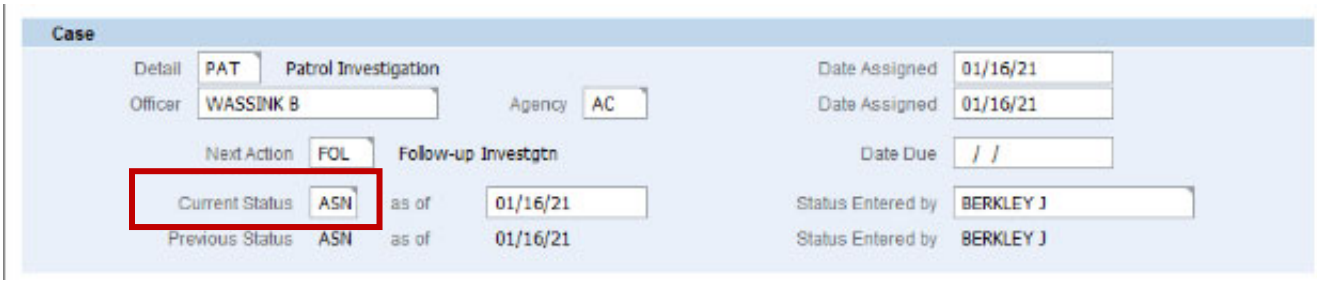
Clearing Case Management

When you observe that a case management has been changed from INVEST to REVIEW, do the following:

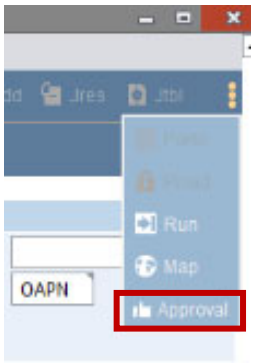
1. Click the case management in your supervisor approval folder (do not open)
2. Click "Open in Flex."



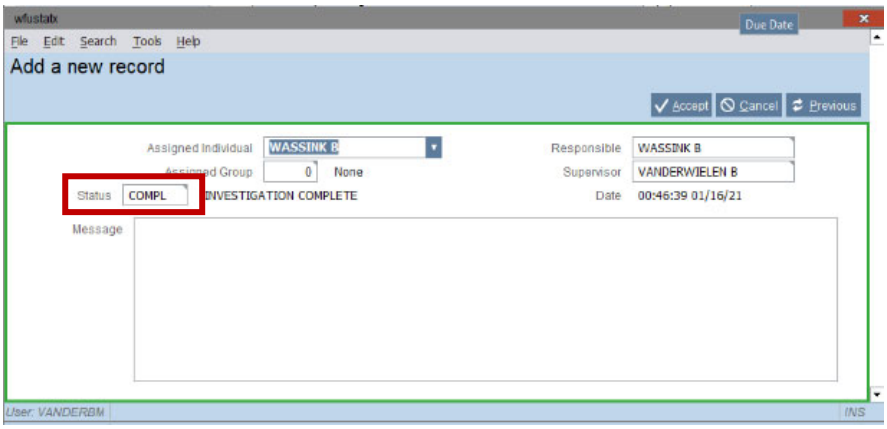
3. Update Current Status



4. Once the status has been updated, click Accept at the top of the window.
5. Click the vertical dots in the upper right corner of the window and select "Approval."



6. In the approval window, make sure the status is listed as "COMPL." Click Accept. This will end the case management and remove it from the supervisor and officer folder.



Returning Case Management

1. If a case management needs to be returned to the officer for further investigation, click "Update Approval."
2. Ensure that "Assigned Invididual" and "Responsible Individual" are the officer's name. Your name is listed in the "Supervisor" box.
3. Change Status to "INVEST" and **add message to include badge number**. Click "OK."

Transfering Case Management to Different Supervisor

1. Select the case management that needs to be transferred from within Mobile.
2. Click “Update Approval.”
3. “Assigned Individual” and “Responsible” remain the same. Status remains “INVEST.” Change Supervisor to the person who now supervises the individual in the box.
4. Insert Message
5. Click “OK.”

Transfering Case Management to Different Officer

1. Click the case management in your supervisor approval folder (do not open)
2. Click “Open in Flex.”
3. Change “Officer” and update “Date Assigned.”
4. Click the vertical dots in the upper right corner and select “Approval.”
5. Make the “Assigned Individual” and “Responsible” the officer’s name that is getting assigned the case.
6. Make the supervisor the appropriate name for the newly assigned officer.
7. Make sure the status is “INVEST.”
8. Insert message into message box with badge number and details.
9. Update Responsible Officer **(See Update Responsible Officer Section)**

Firearms Appendix A 2025 update.pdf

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APPENDIX A

Appleton Police Department Approved Duty Firearms and Ammunition

Updated – March 2025

1) Primary Duty Handguns: Glock and models for grandfathered officers as of 02/01/2019.
    a) See form APD_227 for current list of primary firearms.
    b) Grandfathered firearm prior to 02/01/2019.

2) Secondary Duty Handguns
    a) Minimum specifications for additional secondary handguns that may be approved:
        i) Shall be commercially manufactured by a nationally recognized company
        ii) Shall have a minimum ammunition capacity of five (5) rounds
        iii) May be a semi-automatic or revolver operating system
            (1) Semi-automatic pistol:
                (a) Approved calibers are .380, 9mm, .40, .45, .22, and .32
                (b) It can be a double action with a manual de-cocking lever, double action only pistol, or a single action pistol with thumb safety
            (2) Revolver:
                (a) Approved calibers are .38, .357, .22, and .32.
                (b) Capable of double action fire
                (c) Barrel length must be a minimum of 1.78 inches

3) Patrol Rifles
    a) APD owned/issued .223 caliber short barrel rifle (SBR) semi-auto AR-15 platform
    b) Personal rifles should be one of those listed on the weapon approval form (Appendix B)
    c) Personal rifles need to be .223 or 5.56 calibers
    d) Person Rifles can be short barreled or long barreled

4) Less Lethal Projectile Delivery System

    a) Remington model 870 pump shotgun 12-gauge
    b) LMT 40mm single launcher
    c) PENN Arms 40 mm single launcher
    d) Pepper ball .68x72cm launcher

5) Special Duty Firearms (SWAT)

    a) SWAT SBR Rifles

        i) Rifle System approved by SWAT Commander
        ii) Suppressors

            (1) Surefire Sound Suppressors OBR Sniper Rifles
            (2) Sound Suppressors for Short Barreled Rifles

    b) Sniper Rifle

        i) LaRue Tactical .308 caliber OBR
        ii) Approved Ligh Sniper Rifle 5.56

    c) Chemical / Less Lethal Launcher

        i) LMT 40 mm single launcher
        ii) Pepper ball .68x72 launcher
        iii) GL-1 Penn Arms 40mm launcher

    d) Shock Lock Door Breeching Shotgun

        i) Remington 870 pump 12 ga shotgun

6) Duty Ammunition

    a) .380 caliber, 90 gr Speer Gold Dot HP
    b) .38 + P caliber, 135gr. Speer Gold Dot HP for short barrel
    c) 9mm caliber, 124 gr. + P Speer Gold Dot HP
    d) 9mm caliber, 124 gr. SHORT BARREL +P Speer Gold DOT HP for sub-compacts
    e) .40 S&W caliber, 180 gr. Speer Gold Dot HP
    f) .45 ACP caliber, 230 gr. Speer Gold Dot HP
    g) .223 caliber, 64 gr. or 62 gr. Speer Gold Dot HP
    h) 12 gauge Less Lethal: CTS model 2581 Super Sock bean bag

i) 12-gauge Shock Lock frangible door breaching round (SWAT/Officers Dispatching Animals)
j) .308 caliber, 168 gr. Hornady ELD-M TAP (SWAT)
k) 40 mm chemical and less lethal munitions (SWAT)
l) 40 mm for gas, pepper, and smoke rounds (SWAT)
m) .68x72 cm pepper ball projectile

7) Secondary Duty Handgun Ammunition

a) .22 LR, Federal “Punch”, 29 grain LRN.
b) .22 WMR, Federal “Punch” 45 grain JHP.
c) .22 WMR, Speer “Gold Dot”, 40 grain JHP.
d) .32 S&W Long, Sellier & Bellot, 100 grain WC.
e) .32 H&R Magnum, Federal “Personal Defense”, 85 grain JHP.
f) .32 H&R Magnum, Buffalo Bore, Standard Pressure, 100 grain WC.
g) .327 Federal Magnum, Speer “Gold Dot”, 100 grain JHP.
h) .38 Special, Federal “Gold Medal Match”, 148 grain WC.
i) .38 Special, Georgia Arms “Ultimate Defense”, 148 grain WC.
j) .38 Special, Winchester “Ranger” 130 grain JHP (+P).
k) .38 Special, Hornady “Critical Defense” 110 grain JHP (Standard).
l) .380 ACP, Hornady “Custom” XTP or “American Gunner” XTP, 90 grain JHP.
m) 9mm, Speer “Gold Dot”, 147 grain JHP.
n) 9mm, Federal “HST”, 147 grain JHP.
o) .45 ACP, Federal “HST”, 230 grain JHP.
p) .357 Magnum, Buffalo Bore, Lead-Free Low-Flash (short barrel), 125 grain Barnes XPB.
q) .357 Magnum, Hornady “Critical Defense”, 125 grain JHP.
r) .357 Magnum, High Desert Cartridge, 158 grain (XTP) JHP.

2023 OC LE employee involved DV policy.pdf

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OUTAGAMIE COUNTY LAW ENFORCEMENT EMPLOYEE INVOLVED DOMESTIC VIOLENCE POLICY

December 6, 2023

I. PURPOSE

The purpose of this policy is to establish clear procedures, protocols, and actions for investigating, reporting, and responding to allegations of domestic abuse involving employees of law enforcement agencies in Outagamie County and law enforcement officers from other jurisdictions and to thereby discourage and reduce acts of domestic abuse. This policy will provide guidance in addressing incidents where one (or more) party to a reported domestic abuse incident is an employee, whether sworn or civilian, of any rank in a law enforcement agency.

II. GUIDING PRINCIPLES

A. This policy recognizes that the profession of law enforcement is not immune from members committing acts of domestic abuse against their intimate partners, but also that public confidence in law enforcement is important to our ability to maintain public safety. For that reason, transparency is very important when investigating officer involved domestic abuse incidents. However, nothing in this policy should be read as impacting Open Records law. The public must trust that law enforcement employees are held to the same standards of the law regarding domestic abuse.

B. The participating agencies will not tolerate domestic abuse by their employees. Furthermore, federal law prohibits police officers convicted of qualifying domestic violence crimes from possessing firearms, pursuant to the Lautenberg Amendment of the Federal Firearms Act. In such cases, the chief or sheriff shall present a case for termination to the body vested, under Wisconsin Statute, with the authority to terminate an officer. The policy will apply to past convictions, pending, existing, or future domestic violence, or domestic abuse crimes or cases.

III. DEFINITIONS

A. "Outagamie County law enforcement agency employees" refers to any person, sworn or civilian, who is employed by a law enforcement agency within Outagamie County.

B. "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common::

1. Intentional infliction of physical pain, physical injury or illness
2. Intentional impairment of physical condition
3. Sexual assault
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct listed in 1., 2., or 3.

C. "Protection order" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

1. Violent or threatening acts against another person
2. Stalking or harassment of another person
3. Contact or communication with another person
4. Physical proximity to another person

D. Participating Agencies

1. Appleton Police Department
2. Black Creek Police Department
3. Grand Chute Police Department
4. Hortonville Police Department
5. Kaukauna Police Department
6. Fox Valley Metro Police Department
7. New London Police Department
8. Oneida Police Department
9. Seymour Police Department
10. Shiocton Police Department
11. Wrightstown Police Department

12. Outagamie County Sheriff's Department
13. Outagamie County District Attorney's Office

IV. PROCEDURES

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic abuse are evident, institutionalize a structured response to reported incidents of domestic abuse involving law enforcement agency employees, and offer direction for conducting the subsequent criminal and administrative investigations.

Participating Agencies agree to:

1. Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a law enforcement position has a history of domestic abuse or child abuse allegations or has been a Respondent in a protection order.
2. Cooperate and participate in programs designed to educate employees' partners and families about domestic abuse and resources for assistance.
3. Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic abuse professionals in the community.
4. In response to observed warning signs, or at the request of an employee, intimate partner, or other family member or friend, provide non-punitive assistance to prevent domestic abuse, including referrals to employee assistance programs and domestic violence advocacy groups. Such preventative actions should be outlined in agency policy.

5. Provide information to the employing law enforcement agency as soon as possible after a domestic abuse incident involving an employee.
6. Provide this domestic abuse policy to employees and make it available to employee families, partners and the public.
7. Provide contact information about available domestic abuse services to victims of domestic abuse by agency employees.
8. Provide a point of contact with any agency employee who is known by the agency to be a victim of abuse by a law enforcement employee.
9. Ensure the completion of an appropriate criminal investigation and an impartial administrative investigation of all acts of domestic abuse allegedly committed by an employee.
   a. Criminal investigations will be handled as outlined in this agreement.
   b. Appropriate sanctions must be imposed when it is verified that an employee has committed an act of domestic abuse.
   c. Administrative investigations should be conducted by the employing agency or through agreements with other law enforcement agencies. Employees who disclose they have personally engaged in criminal acts of domestic abuse are not entitled to confidentiality.

Outagamie County Law Enforcement Agency Employee Actions and Expectations:

1. Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
2. Employees who engage in the following actions will be subject to discipline up to and including dismissal:
   a. Failure to report knowledge of abuse or abuse involving a law enforcement employee.

   b. Failure to cooperate with the internal investigation of an employee domestic abuse case (except in the case where that employee is the victim).
   c. Interference with cases involving themselves or other employee(s).
   d. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
3. Employees accused of a domestic dispute or domestic abuse incident must immediately report any police response to their supervisor, regardless of which law enforcement agency responds to the call for service.
4. Employees who are the petitioner or who learn they are the respondent of any protective order proceeding are required to immediately report that information to their supervisor, whether or not the order is issued and regardless of jurisdiction
5. Employees who are victims of domestic abuse are encouraged to request assistance, but are not subject to punitive action for not reporting the abuse.

Notification Protocols

1. Notification of an incident of domestic abuse involving any law enforcement employee requires:
   a. A prompt supervisor response
   b. Full investigation
   c. A complete report by the investigating agency
   d. Notification to the employing agency
2. All incidents of domestic abuse by law enforcement employees require notification directly to the agency head.
3. Incidents of domestic abuse by law enforcement agency employees from outside Outagamie County require notification to the agency head of the employing agency.
4. Domestic dispute(s) or abuse alleged to have been committed by a law enforcement agency head, require prompt notification to the employing entity's chief executive officer

(i.e.; City Mayor, Village President, Town Administrator); or, in the case of an elected Sheriff, the Outagamie County District Attorney or designee.

5. Domestic abuse allegations involving sworn law enforcement employees shall be reported immediately to the Outagamie County District Attorney or designee by the investigating and employing agency.

Communications Center Response

1. Communications Center employees receiving domestic abuse calls involving law enforcement employees will enter a call for service and notify the on-duty Communications Center supervisor.
    a. Communications Center employees will dispatch two units to both on-going and past-tense incidents. The on-duty patrol supervisor must also be notified. If a jurisdiction does not have an on-duty supervisor available, one will be assigned under the agency or mutual aid protocol.
2. Communications Center supervisor will prepare and preserve documentation of the facts of the call, including the 911 recording(s). The Communications Center supervisor will preserve the 911 recordings.

Patrol Response

1. A patrol officer responding to a domestic abuse incident involving a law enforcement employee shall request a supervisor respond to the scene consistent with department policy, if one has not been dispatched.
2. The responding officers shall perform the following actions:
    a. Obtain or provide needed medical assistance
    b. Address immediate safety of all parties involved
    c. Secure the scene and preserve evidence
    d. Note all excited utterances, admissions and/or incriminating statements
    e. Hold the scene until the supervisor arrives

f. Complete a written report prior to the end of their shift

3. For an incident involving an employee from the responding agency's jurisdiction (i.e.; an officer living in Appleton and Appleton PD responding to the call), responding personnel should request response from another law enforcement agency, pursuant to their agency policy.
4. For an incident involving a law enforcement employee from a jurisdiction different from the responding agency, the patrol supervisor will coordinate the investigation, deploying appropriate resources as necessary and in accordance with agency policy.
5. If the suspect is not located on scene, the investigating agency will make every effort to locate and arrest the suspect if probable cause exists.

Patrol Supervisor Response

1. A patrol supervisor shall respond to the scene of any domestic abuse incident involving a law enforcement employee, regardless of the employing agency.
2. The patrol supervisor shall coordinate the investigation, deploying appropriate resources in accordance with agency policy. This should include assigning an investigator trained to handle complex, sensitive investigations.
3. The supervisor shall complete an incident report, whether deemed criminal or not, and route it through the agency chain of command.
4. If a sworn officer is arrested, the on-scene supervisor will seize all agency-issued weapons, and identification. Consideration should be given to other agency equipment and inquiries should be made about voluntary surrender of personal weapons that may be secured for safekeeping.
5. If a sworn officer from another jurisdiction is arrested, the supervisor shall contact that jurisdiction as soon as practicable, but at least prior to custody transport, and request authorization to seize that employee's duty weapon(s) and agency identification or arrange for the employing agency to do so.

6. The supervisor will explain the process to the victim, including the opportunity for a protection order.

Investigator response

1. The investigator shall be assigned to the incident to conduct a thorough investigation. The investigation shall include, but not be limited to:
    a. Photographs of the crime scene and any injuries identified
    b. Statements from all witnesses, including children, where applicable
    c. Completion of the Outagamie County Domestic Abuse Worksheet
    d. Complying with Wis. Const. Art. 1, s.9m including but not limited to victim's right to privacy (Marsy's Law).
    e. Seizure of any weapons used or referred to in the crime
    f. Signed medical releases
    g. Copies of dispatch (CAD) records
    h. 911 call recording(s)
    i. Statement of the victim
    j. Statement of the suspect, if possible
    k. Collection and review of officer recorded media
    l. An inquiry of the victim regarding the removal of non-evidentiary guns or weapons for safekeeping, as well as accommodating the removal
    m. Completion of an incident report as soon as possible

2. Command staff of the investigating agency should delegate responsibility for the investigation to someone trained to handle complex, sensitive investigations, as governed by the department's major case/incident policy or an internal affairs policy. If necessary, the agency should call in an agency with such capability. The assignment should be reviewed for potential conflict of interest.

3. The investigator will coordinate with the Outagamie County District Attorney's Office regarding charging and prosecution.
4. The investigator will direct any questions that arise during the investigation to the Outagamie County District Attorney or his/her designee.
5. All completed investigations of domestic abuse committed by a law enforcement employee shall promptly be forwarded to the appropriate prosecuting authority for a charging decision.
6. Continued follow-up with the assigned prosecutor shall occur until a charging decision is made. Any conflicts of interest during the investigation or prosecution of a case will be determined by the District Attorney in accordance with the Wisconsin Supreme Court Rules of Professional Conduct.

Administrative Investigation Process

1. The employing agency will provide the victim a copy of this policy and contact information for the person who will be the department's liaison to the victim during the administrative investigation process.
2. The agency will follow all policies and procedures generally applicable to investigation of alleged employee misconduct.
3. The agency will respect the rights of the accused employee under applicable collective bargaining agreements, case law and the Law Enforcement Officers' Bill of Rights, where applicable.
4. The agency shall conduct an administrative investigation separate from the criminal investigation. The administrative investigation may be conducted by an outside agency as directed by the agency head.
5. If arrested for domestic abuse, the employee will be placed on administrative leave pending the outcome of an administrative investigation. Where sufficient information exists, the agency shall take immediate administrative action against the accused officer

that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination in accordance with due process.

6. If an investigation of an incident uncovers an agency employee(s) who had knowledge of the abuse on the part of another employee but failed to notify the agency or engaged in actions intended to interfere with the investigation, the agency shall investigate those employees and take disciplinary action as warranted.
7. In a timely manner, the agency shall ensure that all employees who dispatched or responded to a law enforcement employee domestic violence call are debriefed. The debriefing shall include the following:
    a. Review agency confidentiality guidelines
    b. Order employees not to discuss the incident outside of the official inquiry

Release of Information

1. This policy and records generated as a requirement of this policy may be subject to open records law.
2. All records generated as a requirement of this policy shall be communicated to and discussed with the District Attorney and / or his/her designee prior to release.

County – Wide Policy Debriefing

1. After a law enforcement employee involved domestic abuse incident, the incident will be reviewed to determine whether the policy was followed, how the policy assisted in the investigation and whether any changes to the policy need to be made.
2. The review will be coordinated by the District Attorney or his/her designee and will include representatives from the investigating agency, the law enforcement employee's agency and other appropriate parties approved by the District Attorney.

3. The District Attorney will maintain any comments or edits to the policy that should be considered when the policy is next reviewed. If immediate updates to the policy are necessary, the District Attorney will reconvene the Law Enforcement Employee Involved Domestic Abuse Policy Committee.
4. An annual review of the policy will be completed by the Law Enforcement Employee Involved Domestic Abuse Policy Committee.
5. Once the Committee has met, the District Attorney will report back to the Outagamie County Law Enforcement Executives at the last quarterly meeting of the year on the following:
    a. Number of law enforcement employee domestic incidents investigated in the year.
    b. Review of necessary changes that were made during the year,
    c. Recommendations for changes that are under review by the OCDV policy committee, and
    d. Concerns or issues the District Attorney or members have.

Dated: December 6, 2023

Chief Polly Olson
Appleton Police Department

Chief Lowell James
Black Creek Police Department

Chief Daniel Meister
Fox Valley Metro Police Department

Chief Greg Peterson
Grand Chute Police Department

Chief Kris Brownson
Hortonville Police Department

Chief Jamie Graff
Kaukauna Police Department

Chief Jeff Schlueter
New London Police Department

Chief Eric Boulanger
Oneida Police Department

Chief Isaac Schultz
Seymour Police Department

Chief Sara Knapp
Shiocton Police Department

Chief Gregory Deike
Wrightstown Police Department

Sheriff Clint Kriewaldt
Outagamie County Sheriff's Department

District Attorney Melinda Tempelis
Outagamie County District Attorney's Office

Kristina Kishbaugh Executive Director
Harbor House

APD_045 PEP Advancement Memo 2024.pdf

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REQUEST FOR ADVANCEMENT IN THE POSITION ENHANCEMENT PROGRAM

TO BE COMPLETED BY OFFICER: Date Submitted:

Officer requesting advancement: City ID #:

Current Step: ☐ Patrol Officer ☐ Master Police Officer

☐ Senior Police Officer ☐ Sergeant

Highest educational degree completed:

- -

TO BE COMPLETED BY DISTRICT/UNIT COMMANDER:

A. Recent evaluations show that the officer meets or exceeds expectations: ☐ Yes ☐ No

B. Officer is authorized to advance in this program: ☐ Yes ☐ No

Authorization for advancement:

Date: Supervisor's Signature:

- -

TO BE COMPLETED BY TEST ADMINISTRATOR:

Policy Test #:____ Score:_______ Date:__________

Computer Test(s):

☐ Spillman Date:___________

☐ Word Date:___________

☐ Outlook Date:___________

☐ Excel Date:___________ Test Administrator:________________

_________________ has successfully met all the eligibility requirements for advancement in the Position Enhancement Program and is eligible for an increase in pay based on the criteria for the program. FROM:___________________ TO:____________________

ELIGIBLE AS OF:_________________ Contractual Wage:________________

☐ I concur ________________________________ ______________________

Polly Olson
Chief of Police Date

☐ I do not concur ________________________________ ______________________

Polly Olson
Chief of Police Date

Original: Scan/Email Human Resources (HR)
cc: District/Unit Supervisor
Officer
Fiscal Resources
Support Services

12-23 mental hold flow chart.pdf

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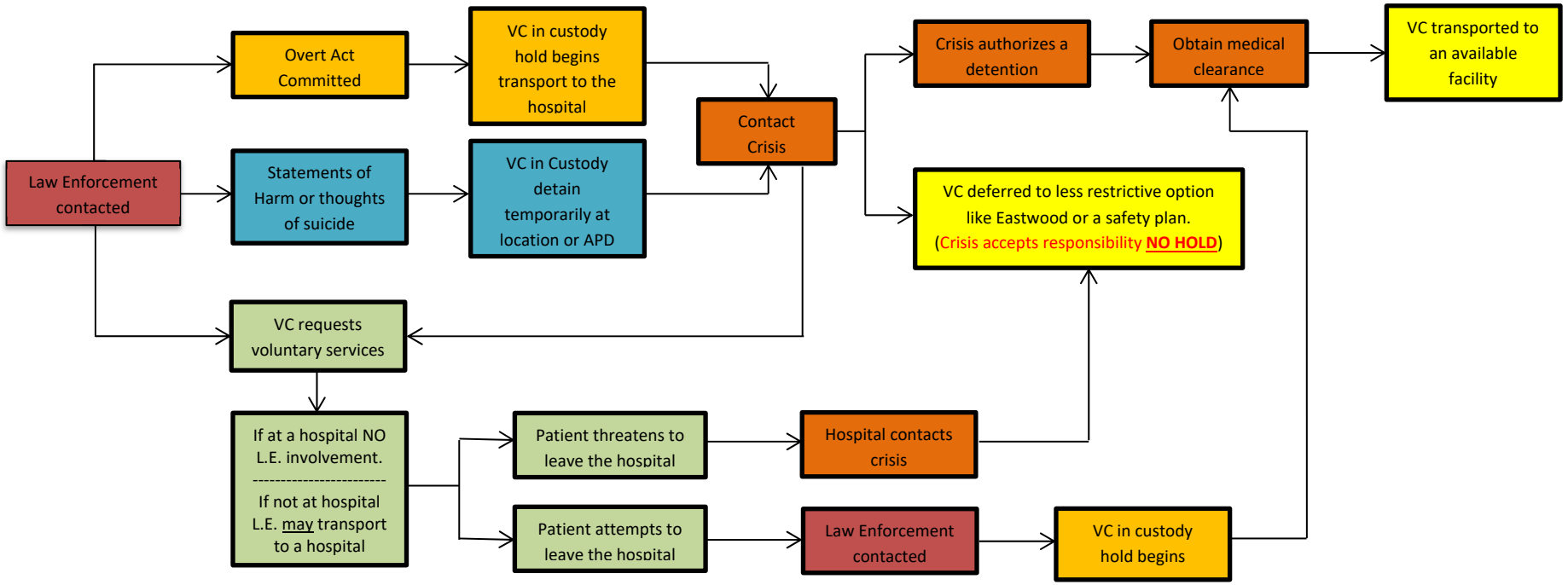
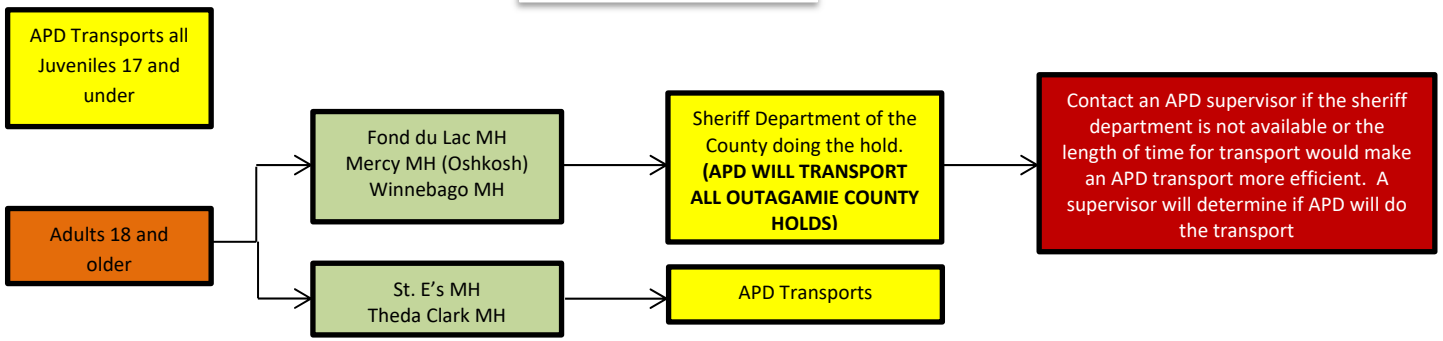
72hr. Mental Commitment Flow Chart



If the VC is on a 90 day Settlement Agreement a new 72hr hold will need to be done.

If the VC is on a commitment order Crisis will authorize placement in a more restrictive setting. NO HOLD.

Transports



Appendix C - U-Visa Investigative Tool.pdf

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APPENDIX C

Investigative Tool

Assessing Helpfulness

The victim has been helpful, is being helpful, or is likely to be helpful in the detection, investigation, or prosecution of criminal offenders.

- ☐ Who reported the crime?
- ☐ How was the crime reported? 911 call?
- ☐ Did the victim provide a verbal statement?
- ☐ If there are witnesses, is the information provided by the witnesses consistent with the information provided by the victim?
- ☐ Is the victim willing to answer follow-up questions at a later time?
- ☐ If there were injuries, did the victim allow law enforcement to photograph the injuries?
- ☐ If the injuries were significant, did the victim seek medical assistance and is the victim willing to sign a medical release form?
- ☐ Did the victim identify the suspect and provide background information?
- ☐ If the suspect is a known offender, has the victim provided a history of violence?
- ☐ Has the victim disclosed the prior violence and/or criminal activity to others?
- ☐ Has the victim disclosed any other criminal activity that the suspect may be involved in?
- ☐ Does the suspect have an existing criminal record or does the suspect have any pending charges?
- ☐ Has the victim reported previous criminal activity?
- ☐ Has the victim sought a protection order?
- ☐ Is the victim willing to work with the police or the prosecutor?

Helpfulness can even be satisfied when?

- ☐ Reporting a crime that requires no further investigation
- ☐ Past crime(s) were unreported because victim did not know or feel safe to report
- ☐ Perpetrator absconds or is subject to immigration removal
- ☐ Perpetrator is prosecuted for a different crime
- ☐ Victim is not needed as a witness
- ☐ Victim is dead (indirect victim qualifies)
- ☐ Perpetrator is dead
- ☐ Victim has a criminal history
- ☐ Victim is subject to immigration enforcement
- ☐ Victim fully discloses story after better understanding rights and meaningful language access

General Guidelines

U-visa Protection is Available Even When

- ☐ Investigation does not result in prosecution
- ☐ Victim is helpful in investigation, but does not have/need to testify in trial
- ☐ Perpetrator eludes arrest
- ☐ Criminal case is dismissed
- ☐ Victim reports and is helpful but police or prosecutors decide not to prosecute
- ☐ Perpetrator is prosecuted but not convicted
- ☐ Prosecution can't take place (Diplomat or statute of limitations)

Evidence of a Crime

- ☐ Physical or mental abuse
- ☐ Injury or harm to the victim's physical person
- ☐ Impairment of emotional or psychological soundness of the victim

Assessment of Physical or Mental Abuse

- ☐ Decide on a case-by-case basis
- ☐ Nature of the injury
- ☐ Severity of injury or harm
- ☐ Duration of abuse
- ☐ Permanent or serious harm

Victim Concerns that the U-Visa Can Help Address

- ☐ Immigration related abuse/deportation
- ☐ Economic survival
- ☐ Family/children
- ☐ Fear of losing custody/access to children
- ☐ Power and control over victim's immigration status
- ☐ Victim believes that if the perpetrator gets deported, the victim will be deported and/or have to leave the country with the perpetrator
- ☐ Fear of retaliation in victim's home country
- ☐ Fear of being ostracized by religious, local, or home country community
- ☐ Fear of police based on their experience in their home country
- ☐ Political instability in home country
- ☐ Gender barriers in home country
- ☐ Fear of unknown

Appendix A - U-Visa Application Victim Flow Chart.pdf

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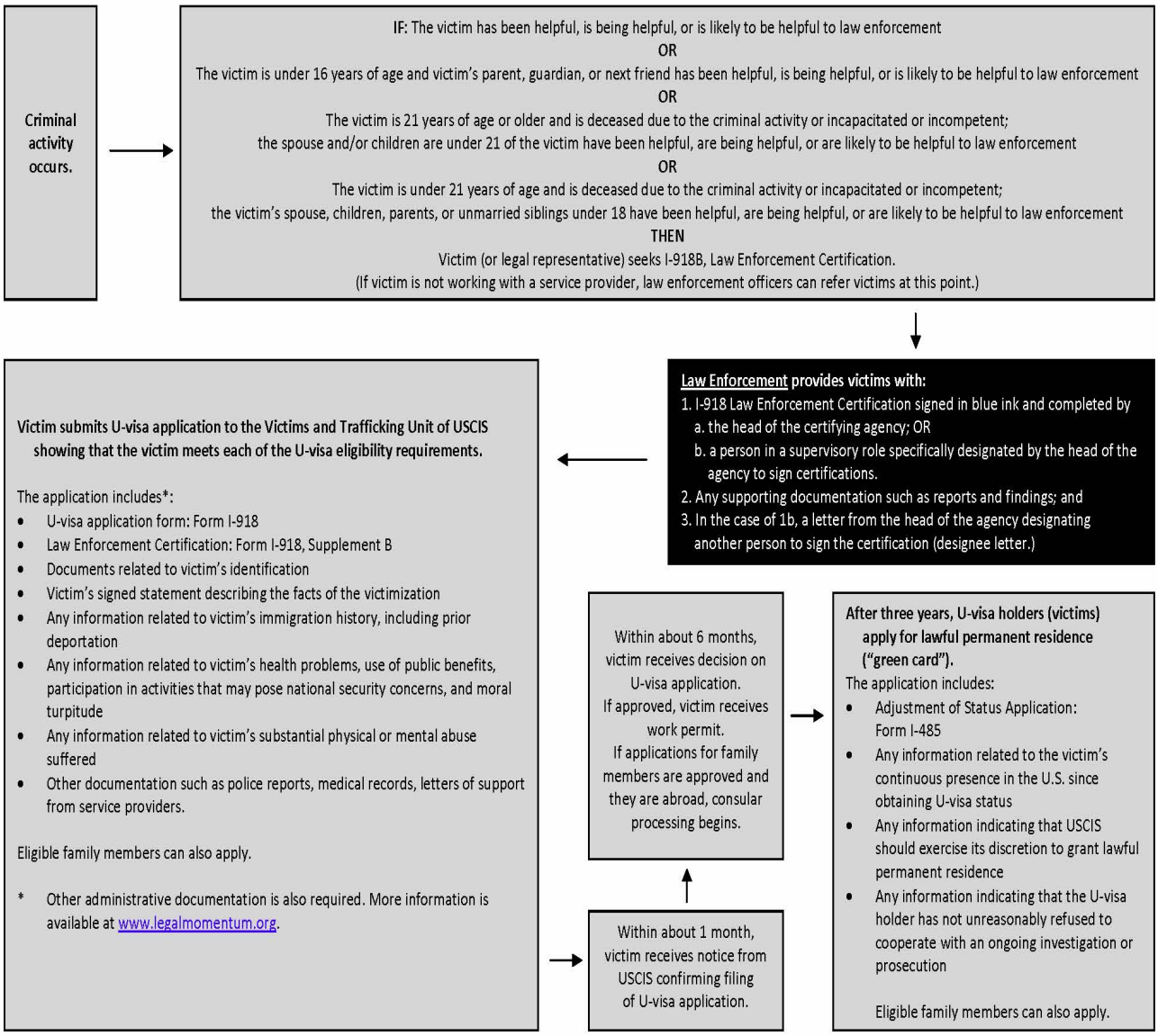
APPENDIX A

U-visa Application Victim Flow Chart



Appendix A - Rotating Call List Fees.pdf

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APPENDIX A

CITY OF APPPLETON

ROTATING CALL LIST FEE SCHEDULE*

Effective Date: January 10, 2017

SERVICE PROVIDED	MAXIMUM FEE - REGULAR HOURS	MAXIMUM FEE - AFTER HOURS
STANDARD TOW (wheel lift/flatbed)	**$150.00**	**$160.00**
PARTIAL TOW (at discretion of towing company)	$50.00	$60.00
ADD ON/ADDITIONAL FEES		
Administrative Fees, Mailing Fees, Etc. (if vehicle is not claimed after two days)	$20.00 total	--
Cleanup (prorated after first 30 minutes)	$40.00/hour	$40.00/hour
Mileage for Out-of-City Trips	$4.00/mile loaded	$4.00/mile loaded
Motorcycles	$25.00	$25.00
Snow Shoveling (prorated)	$10.00 minimum/ $60.00/hour	$10.00 minimum/ $60.00/hour
Use of Dolly	$60.00 total	$60.00 total
Standby Time (prorated)	$60.00/hour	$60.00/hour
Winching (prorated)	$60.00/hour	$60.00/hour
STORAGE FEES		
After-Hours Release of Vehicle/Property (at discretion of towing company except pursuant to code)	--	$50.00
Outside Storage (not prorated)	$40.00/day	$40.00/day
Inside Storage (not prorated and at owner request/as reasonably required)	$45.00/day	$45.00/day
Cover Vehicles (not prorated and at owner request/as reasonably required)	$30.00	$30.00

*For additional information see the Municipal Code of the City of Appleton, Sec. 9-746 et. seq.

Approved Duty Firearms and Ammunition.pdf

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APPENDIX A

Appleton Police Department Approved Duty Firearms and Ammunition

A. Primary Duty Handguns

1. 9mm semi-automatic pistols

a. Smith & Wesson – Models: 5903, 5906, 6906, , M&P9, and M&P9 2.0
b. Ruger – Models: P-85 and P-89

c. Glock – Models: 17, 19, 26, 34, and 45

d. Heckler & Koch – Model: VP9/LE

e. Sig Sauer – Models:, 226 and 226DAK

f. Springfield – Models: XD, XDM and XDS

B. Secondary Duty Handguns

1. Minimum specifications for additional secondary handguns that may be approved:

a. Shall be commercially manufactured by a nationally recognized company

b. Shall have a minimum ammunition capacity of five (5) rounds

c. May be a semi-automatic or revolver operating system

i. Semi-automatic pistol:

1. Approved calibers are .380, 9mm, .40 and .45

2. It can be a double action with a manual de-cocking lever, double action only pistol, or a single action pistol with a thumb safety

ii. Revolver:

1. Approved calibers are .38 or .357
2. Capable of double action fire

3. Barrel length must be a minimum of 1.78 inches

D. Patrol Rifles

1. APD owned/issued.223 caliber short barrel rifle (SBR) semi-auto AR-15 platform
2. Personal rifles should be one of those listed on the weapon approval form (Appendix B)
3. Personal rifles need to be .223 or 5.56 calibers
4. Personal Rifles can be short barreled or long barreled

E. Less Lethal Projectile Delivery System

1. Remington model 870 pump shotgun 12 gauge

F. Special Duty Firearms (SWAT)

1. SWAT SBR Rifles

   a. Rifle System approved by SWAT Commander
   b. Suppressors

      aa. Surefire Sound Suppressors OBR Sniper Rifles
      bb. Sound Suppressors for Short Barreled Rifles

2. Sniper Rifle

   a. LaRue Tactical .308 caliber OBR
   b. Approved Light Sniper Rifle 5.56

3. Chemical / Less Lethal Launcher

   a. Federal Gas Riot Gun (1.56 cal), 37mm

   b. Def-Tec Gas Riot Gun (1.5 cal), 37 mm

   c. Sage SL-1 Less Lethal Launcher 37 mm

   d. Sage SL-6 Less Lethal Launcher 37 mm

   e. L8 37mm multi launchers

   f. GL-1 Penn Arms 40 mm launcher

4. Shock Lock Door Breeching Shotgun

   a. Remington 870 pump 12 ga shotgun

G. Duty Ammunition

1. .380 caliber, 90 gr Speer Gold Dot HP

2. .38 + P caliber, 135gr. Speer Gold Dot HP for short barrel

3. 9mm caliber, 124 gr. + P Speer Gold Dot HP

4. 9mm caliber, 124 gr. SHORT BARREL +P Speer Gold Dot HP for sub-compacts

5. .40 S&W caliber, 180 gr. Speer Gold Dot HP

6. .45 ACP caliber, 230 gr. Speer Gold Dot HP

7. .223 caliber, 64 gr. or 62 gr. Speer Gold Dot HP

8. 12 gauge Less Lethal: CTS model 2581 Super Sock bean bag

9. 12 gauge, shotgun chemical launching (SWAT)

10. 12 gauge Shock Lock frangible door breeching round (SWAT/Officers Dispatching Animals)

11. 12 gauge muzzle flash bang rounds

12. .308 caliber, 168 gr. Hornady A-Max TAP (SWAT)

13. 37mm chemical and less lethal munitions (SWAT)

14. 37mm L8 multi launchers for gas, pepper, and smoke rounds (SWAT)

15. 40 mm chemical and less lethal munitions (SWAT)

16. 40 mm for gas, pepper, and smoke rounds (SWAT)

hierarchy of intervention options.pdf

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APPENDIX A

Intervention Options

Intervention Options as Applied to Emergency Vehicle Operation

Mode	Tactic(s)	Purpose
Presence	Authorized emergency vehicle	To present a visible display of authority
Dialogue	Emergency lights Siren Communication with dispatch Approach contact	To persuade
Control Alternatives	Multiple units Tire Deflation Devices Barricades Channelization Non-Approach Contact	To overcome passive resistance, active resistance, or their threats
Protective Alternatives	Pursuit Intervention Technique (PIT) Moving roadblock (Boxing-in) Roadblocks (with escape route) High-risk contact	To overcome continued resistance, assaultive behavior, or their threats
Deadly Force	Ramming Roadblock (no escape route) Shooting from a moving vehicle High-risk contact with shots fired	To stop an imminent threat.

Ride-Along Expectations for Participants (Appendix A).pdf

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APPENDIX A

Ride-along Expectations for Participants

Who Can Ride: Ride along participants must complete the following and meet the following guidelines, prior to participating in the ride-along program.

1. You must submit a completed ride-along application.
2. You must be at least 18 years of age.
3. We are not able to accommodate all requests for ride-along that are required to complete a classroom assignment or to receive classroom credit; therefore each request will be considered on a case-by-case basis.
4. You must sign a release of liability waiver.
5. A criminal history investigation, including negative police contacts, will be checked. A ridealong commitment is not authorized until the background investigation is cleared. A conviction record or pending arrest record does not constitute automatic exclusion from the ride-along participation and will be considered only if there is a reasonable concern to the safety or performance of the officer providing the ride-along, or for the safety of the citizens of Appleton. If a person is denied authorization to participate in the ride-along program for any reason, they may submit an appeal in writing to the Support Services Coordinator.

Officers as participants in Ride-alongs: We encourage officers from other departments and prospective officers of the Appleton Police Department (those active in a hiring process) to participate in the ride-along program.

1. While on duty and performing law enforcement functions for their agency, officers from other jurisdictions may be armed during the ride-along.
2. Off duty officers participating in a ride-along are prohibited from carrying firearms.

Attire: Although we do want you to be comfortable while on the ride-along, we must reinforce that this is a professional department and your clothing should reflect that. Clothing items that are not permitted on the ride-along are:

1. Midriff or revealing tops
2. Revealing shorts/skirts
3. Baseball Hats
4. Gang-type attire
5. Facial jewelry
6. Low rise or overly baggy jeans

If the officer or supervisor finds that the clothing you have worn does not represent the professionalism of the organization, he/she may ask that you reschedule the ride-along.

Following Officer's Instructions: Prior to the ride-along, ask the officer what he/she expects from you and what his/her preferences are relating to the different situations that arise on a ride-along. At all times, you must follow the officer's instructions.

1. Pursuit/Chase
    a. While in the squad, it is possible that a pursuit can begin. If this situation arises, the officer will immediately terminate the ride-along.

b. You will be required to get out of the squad. You are expected to do so quickly and without argument. The officer will arrange a ride back to the station for you.

2. Stops/Encounters:
    a. Please do not converse with the person of the traffic/foot stop, without the permission of the officer.
    b. If the officer instructs you to stay in the squad, you must do so. The officer will inform you when you can leave the vehicle.
3. Squads:
    a. Do not touch any of the equipment in the vehicle unless the officer gives you permission.
    b. Do not attempt to drive the vehicle.

Confidentiality: The citizens of Appleton have a right to privacy. Any and all information pertaining to police records, police stops or other privileged material is to be kept strictly confidential. The release of criminal information to the public could conceivably be considered a felony.

Other Items to Note:

1. Alcohol is prohibited.
2. Smoking is prohibited.
3. Foul language is prohibited.
4. Do not represent yourself as an officer or as an employee of the police department.
5. Arrive 10 minutes before the beginning of your scheduled ride-along. Metered parking is available on the surrounding streets of the department and also available in the nearby parking ramps.
6. If you need to cancel your ride-along, please call the Communications Unit Front Desk at 832-5500.
7. We strive to make your ride-along experience the most favorable as possible. Occasionally a ride-along candidate may experience a slight or significant delay of their scheduled start time as a result of unforeseen police emergencies. On rare occasions, a ride-along may have to be rescheduled at the last minute. In addition, the ride-along is typically scheduled for a 4-hour time frame; however, there may be a situation that arises while you are on the ride-along that would not permit you to return to the station on time. Please plan your schedule accordingly.
8. At the officer's discretion, the ride-along can be terminated at any time.
9. Due to the number of requests received for ride-along, a participant is limited to one ridealong annually.

Our officers welcome and appreciate conversation and questions. Don't hesitate to inquire about their profession and the Appleton Police Department. Enjoy the ride-along experience!

Updated 08/03/12

Confidential Line of Duty Death or Serious Injury Form (200).pdf

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APD - Emergency Notification and Death Packet

Full Name: _____

Reviewed Dates: _____

Emergency Notifications

Please list the people you would like to be contacted in case of a serious injury or death in the line of duty.

Begin with the first person you would like to be notified – notification will be in person if at all possible.

Name	Relationship	Address	Phone(s) including cell and work

This Field is Mandatory – A minimum of one name and contact info must be listed

Family Liaison (s)

Who would you like to assist with notifications to your immediate family and be a liaison to them?

Please list several, in the order you would like them asked.

- **It is recommended to have a team of two Liaisons for the immediate family, a lead and an assistant to work with other family members.**
- **It is recommended that very close friends do NOT serve in this role.**
- **You may want to consider a separate Liaison(s) for parents, and parent and a step-parent.**

Husband/Wife/Children Liaisons: _____

Parent/Step Parent Liaison: _____

Is there anyone else you would like contacted to assist your family or to assist with the funeral arrangements, or related matters that is not listed above?

Name **Address** **City** **Phone** **Relationship**

_____

_____

_____

Family Information

Spouse / Significant other: _____

Address (if different): _____

City, State, Zip: _____

Phone number(s) _____

Place of employment: _____

Work number and shift: _____

Children: _____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

_____ DOB _____Address if different_____

If divorced, please provide information about your **ex-spouse:**

Name: _____

Address: _____

City, State, Zip _____

Home Phone: ( )_____--_____

Cell Phone: ( )_____--_____

Work Phone: ( )_____--_____

Do you want a police representative to contact your ex-spouse? YES NO

Parents Names: _____

_____

Address: _____

City, State, Zip _____

Home Phone: ( )_____--_____

Cell Phone: ( )_____--_____

Work Phone: ( )_____--_____

Parents Names: _____

_____

Address: _____

City, State, Zip _____

Home Phone: ( )_____--_____

Cell Phone: ( )_____--_____

Work Phone: ( )_____--_____

Do you want a police representative to contact your Parents? YES NO

Please list the names, addresses and phone numbers of other key relatives (siblings, in-laws, etc) and if you want them to be personally notified by a police representative.

Name	Address/ City	Phone	Relationship	Notify by Police Y/N

Additional Information

Social Media: If you have a social media page would you like to have it deactivated upon your death? Media and the public have been known to search Facebook and other social media platforms to obtain pictures and background on officers; we would deactivate your accounts to protect you and your family's privacy. If you don't provide the information we may not be able to assist. The password will be provided to your spouse/immediate next of kin after we deactivate the account.

Facebook name_____ Password _____

Other sites (twitter/LinkedIn/etc...) and passwords_____

Personal Phone and Computer Devices:

Do you want your personal phone or computer wiped before it is returned to your family? If yes, what is the password

_____

**Work Phones will be wiped and the contents will not be given to your family*.

Wedding Ring – Jewelry

If you don't wear your ring at work, where is it kept? _____

Are you a veteran of the US armed services?	**YES**	**NO**
If you are entitled to a military funeral do you wish to have one?	**YES**	**NO**
Do you wish a law enforcement funeral?	**YES**	**NO**

Please list any preferences you may have regarding funeral arrangements:

Funeral Home: _____

Church or Synagogue: _____

Cemetery: _____

Please list memberships in law enforcement, religious or community organizations that may assist your family.

_____ _____

_____ _____

_____ _____

Do you have a will? **YES** **NO**

If yes, where is it located? _____

Please list any insurance policies, or FINANCIAL planning items, hat you have and where they may be located.

Company	**Policy number**	**Location of policy**

Are there any special requests or directions you would like followed upon your death?

Attach a separate sheet if needed

It is strongly suggested to do as much planning for your funeral as possible, this is the best gift you can give to your family and will allow them more time to process and deal with your loss.

Funeral:

_____

_____

_____

_____

Burial:

_____

_____

_____

_____

Other:

_____

_____

_____

Special accomplishments and achievements you would like noted

Outside of department:

_____

_____

_____

_____

Department Related:

_____

_____

_____

_____

Significant life events (family)

_____

_____

_____

_____

Is there anything to avoid mentioning or anyone you do NOT want at your funeral?

_____

_____

_____

This information will be secured in a locked storage box and maintained in the Communications Unit. This form will be kept confidential. Upon a line of duty death or serious injury, I hereby authorize the Chief of Police, or designee, to share this information with my family and/or persons indicated on this form; and the department may use any or all of this information in the planning and completion of my funeral and related events, **pending approval of my surviving family**.

Name_____ Date completed _____

Signature _____

2019 Fox Valley Mutual Aid Agreement.pdf

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FOX VALLEY MUTUAL AID AGREEMENT

CITIES OF APPLETON, KAUKAUNA, MENASHA AND NEENAH
TOWN OF GRAND CHUTE
VILLAGES OF FOX CROSSING, KIMBERLY AND LITTLE CHUTE

The purpose of this agreement is to provide for law enforcement assistance in the participating municipalities when deemed necessary under the circumstances described herein. It is understood that departments have entered into this agreement in order to secure for themselves and the citizens of their respective jurisdictions the advantages of mutual aid under the terms of this agreement. Reliance on mutual aid under this agreement is not intended to be a substitute for adequate staffing in the participating municipalities.

The agreement is entered into by and between the Cities of Appleton, Menasha, Neenah and Kaukauna, the Town of Grand Chute and the Villages of Kimberly, Fox Crossing and Little Chute, Wisconsin, and shall be mutually binding upon all of the parties. Said agreement is entered into pursuant to the authority granted under Wisconsin State Statutes § 66.0301, providing for intergovernmental cooperation. This agreement becomes effective on the date that an executed copy is filed in the Clerk's office of each respective party.

Operation: Each municipality hereby authorizes its Chief of Police, or designee, to request and afford mutual aid when deemed necessary and in conformance with the terms and conditions contained in this agreement. The designee(s) of the Chiefs of Police shall include any supervisory police officer on duty at the time of the request.

The justification for mutual aid assistance may include, but is not limited to, major crimes or incidents where normally assigned resources are inadequate or during periods when unforeseen demands for service cannot be met by the requesting agency.

In addition, each municipality hereby authorizes any law enforcement officers on duty to provide mutual aid without the approval of the Chief of Police or designee under the following circumstances:

- An emergency call in which an officer is down or in danger.
- A serious crime which is in progress, a medical emergency or a situation representing a serious threat to life or property.
- A situation in which an officer requires a backup officer and the assisting officer is closer than an officer of the originating jurisdiction.

Officers who respond under the three aforementioned circumstances shall confer with the primary agency's officer(s), either en route or on arrival, to determine if the primary agency needs the assistance of the responding agency. The responding agency's officer(s) shall assist as necessary until the primary agency determines their assistance is no longer required or they are directed to return to their jurisdiction by a supervisory member of their department.

The responding officer shall inform his or her Chief of Police or designee that he/she is responding outside the agency's jurisdiction. Each Chief of Police or a designee shall have the authority to override any request or response for mutual aid.

Requests for assistance shall be afforded a high priority, but nothing in this agreement shall be construed to require participating agencies to provide aid in a manner which will materially impair the delivery of law enforcement services in their respective municipalities.

For purposes of this agreement, the responding police officers are assumed to have all the authority of the police officers of the requesting agency.

The Chief of Police, designee or any law enforcement officer, who is receiving assistance shall assume command of all operations within his/her jurisdiction. The responding agency, however, shall maintain immediate supervision over and responsibility for all responding agency personnel, equipment and supplies used in rendering assistance.

Liability: In accordance with Wisconsin State Statutes § 66.0313, for purposes of Wisconsin State Statutes §§ 895.35 and 895.46, law enforcement personnel, while acting in response to a request for assistance, shall be deemed employees of the requesting agency.

In accordance with Wisconsin State Statutes § 66.0513, if a member of a responding police department is injured or killed while responding to, acting at, or returning from an incident covered under this agreement, the department of which they are a member, or the municipality by which they are employed shall grant them the same compensation and insurance benefits that it would provide if the incident occurred in the department's jurisdiction. All wage and disability payments, pension and worker's compensation claims, damage to equipment and clothing, and medical expense shall be paid by the municipality regularly employing the employee. Upon making such payment, the municipality shall be reimbursed by the municipality whose officer or agent commanded the services out of which the claims resulting in payments arose except to the extent any such payments were made by an insurance company and this exception is not prohibited by law.

For all other purposes, each municipality shall be legally responsible for their own law enforcement personnel.

All parties shall procure their own respective commercial insurance policies satisfactory to insure for liability of the actions of their own employees that may arise as a result of a mutual aid response.

Severability: In the event that any part, term or provision of this agreement is found to be illegal or invalid in whole or in part, it shall be stricken from the agreement and the agreement interpreted as if that clause did not exist.

Terms of Agreement: This agreement shall supercede any previous mutual aid agreements entered into by the parties. This agreement shall remain in full force and effect for (30) days after the filing of a cancellation notice approved by the governing body of the withdrawing municipality. The cancellation notice shall be filed with the Clerks of each municipality.

BE IT RESOLVED:

1. That this mutual agreement is hereby approved subject to the terms, conditions and limitations set forth in said agreement.

2. The Chiefs of Police of each municipality are hereby authorized to abide to the terms, conditions and limitations set forth in this agreement.

Dated this 1st day of August, 2019.

Mayor of Appleton

Police Chief of Appleton

Mayor of Kaukauna

Police Chief of Kaukauna

Mayor of Menasha

Police Chief of Menasha

Mayor of Neenah

Police Chief of Neenah

Chairman of the Town of Grand Chute

Police Chief of the Town of Grand Chute

~~Chairman~~ PRESIDENT of the Village of Fox Crossing

Police Chief of the Village of Fox Crossing

Village President of Kimberly

Police Chief of Fox Valley Metro

Village President of Little Chute

Outagamie County Law Enforcement Inter-agency Pursuit Agreement.pdf

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OUTAGAMIE COUNTY	TITLE: **Law Enforcement Inter-Agency Pursuit Agreement**		
ISSUE DATE: November 6, 2002	REVIEW DATE:	REVISED DATE:	SECTION: Operations
POLICY SOURCE:			TOTAL PAGES: 9
SPECIAL INSTRUCTIONS: Approved at Outagamie County Law Enforcement Executive Meeting – May 4, 2011. Formal adoption on June 1, 2011			

I. PURPOSE

The purpose of this document is to establish guidelines for the pursuit of vehicles by Outagamie County Law Enforcement agencies when one or more agencies are involved. Additional intent of this document is to provide an expectation of how each law enforcement agency will respond in the event that a pursuit enters their jurisdiction. This document is intended to supplement individual agency pursuit policies and does not supersede such policies. If any conflict between this agreement and individual agency policies exist, all personnel are expected to comply with their own agency policies on vehicle pursuits. It is recognized that any department can implement stricter pursuit standards, but not more permissive standards in cases where the pursuit enters another jurisdiction.

II. POLICY

III. DISCUSSION

IV. DEFINITIONS

A. Assisting Officer(s). These are police units that assist the primary unit in the pursuit, either by direct or indirect involvement.

B. Authorized Emergency Vehicle. For the purpose of this policy, an authorized emergency vehicle is a police vehicle equipped with one or more oscillating, rotating or flashing emergency lights and also equipped with emergency sirens.

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

D. Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

E. Due Regard: The degree of care that a reasonably careful person, performing similar duties and acting under similar circumstances, would show.

F. Force-to-Stop Tactics: Tactics designed to give a fleeing driver only two options; surrender or crash. These tactics are an application of deadly force.

G. Induce-to-Stop Tactics: Tactics designed to induce, but not force, a fleeing driver to stop. These tactics make it more difficult for a fleeing driver to continue to flee, but not entirely impossible.

H. Intervention Options: Trained tactics recognized in the Emergency Vehicle Operations and Control (EVOC) system. These tactics may include additional trained tactics and untrained tactics justified by the circumstances.

I. Primary Unit. This is the police unit that initiates the pursuit, or a police unit that may assume control of the pursuit.

J. Reasonable Force: An act by a police officer in the performance of duty used to accomplish a legitimate law enforcement goal and objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted. The totality of circumstances perceived by the officer can include statements made by the person or a known prior history of resistive or assaultive behavior.

K. Supervisor or OIC. Person acting in the capacity of the on-duty officer in charge. In jurisdictions where only one officer is on duty, that officer will be the OIC in that jurisdiction.

L. Termination: The decision and actions of the pursuing law enforcement officer to terminate all action(s) that constitute a vehicle pursuit.

M. Vehicle Pursuit: An active attempt by a law enforcement officer in an authorized law enforcement vehicle to apprehend one or more occupants of a moving motor vehicle, where the driver of such vehicle is aware of the officer's attempt to stop his/her vehicle and is resisting apprehension by maintaining or increasing his or her speed or by ignoring the law enforcement officer’s attempt to stop him or her.

V. PROCEDURE

A. Initiation of Pursuit

1. Sec. 346.03, Wis. Stats., authorizes any law enforcement officer in an authorized emergency vehicle to disregard traffic regulations while in pursuit of a suspected violator of the law. The exemptions granted the officer; however, do not relieve him or her from the duty to drive with due regard under the circumstances for the safety of all persons, nor do they protect the officer from the consequences of his or her reckless disregard for the safety of others.

2. Officers may not initiate or continue a pursuit if the immediate danger to the officer and public created by the pursuit is greater than the immediate danger or potential danger to the public should the suspect remain at large.

3. Under certain circumstances the risk associated with failing to apprehend a fleeing suspect is so great that some additional risk in continuing the pursuit may be justified. The following circumstances shall justify the increased risk:

   a) When the subject has committed or is attempting to commit a crime that involves an actual or threatened action that an officer reasonably believes resulted in or could result in death or great bodily harm to a person or persons.

   b) When the subject, if allowed to escape, poses a significant threat of great bodily harm or death to a person or persons.

   c) When an officer observes the operation of a motor vehicle, prior to the initiation of a pursuit, and evaluates that the continued operation of this vehicle would cause great bodily harm and/or immediate risk to the public. Violations solely committed in an attempt to evade apprehension are insufficient to justify initiation or continuation of a pursuit under this section.

B. Continuation of a Vehicle Pursuit

1. Once an officer has made the decision to initiate a pursuit, he or she shall continue to evaluate such factors as the following:

   a. Severity of crime for which the officer is attempting to apprehend the suspect(s)

   b. Necessity of pursuit by vehicle (i.e., subject has been identified and other means to apprehend are available, passengers at risk in vehicle)

   c. Road conditions

   d. Weather conditions

   e. Density of population

   f. Apparent age and ability of the pursued driver or occupants

   g. Condition of the vehicle being pursued

   h. The officer’s vehicle capabilities and limitations

   i. The officer’s capabilities and limitations as a driver

2. An officer’s actions in continuing a pursuit should not create a greater risk to the public than that posed by failing to apprehend the fleeing suspect. Officers are never relieved of the duty to drive with due regard.

C. Termination of Pursuit

1. Officers will terminate vehicle pursuits under any of the following conditions:

   a. When, in the judgment of the officer, it is necessary to terminate the pursuit.

   b. When ordered to do so by their supervisor or OIC.

   c. When the distance between the pursuing and fleeing vehicle is such that further pursuit is futile.

   d. When the pursued vehicle's location is unknown.

   e. When the officer's vehicle or emergency equipment malfunctions.

   f. When it is necessary to stop to render aid to an injured person and no other police unit is immediately available to do so.

   g. When the suspect's identity has been established to allow later apprehension, and there is no other immediate reason to apprehend.

   h. When the officer(s) involved or supervisor assigned to monitor the pursuit objectively evaluates the above listed factors and feels the risk to the public safety outweigh the value of the apprehension of the subject being pursued.

2. Upon termination of a pursuit officers shall:

   a. Notify dispatch and other officers of intent to terminate via radio

   b. Reduce speed to posted limits

   c. Turn off emergency equipment

   d. Confirm termination with dispatch and notify dispatch of current location

   e. Pull over and stop until suspect vehicle is no longer in sight

   f. Continue to drive normally along the suspect's last known route for a reasonable distance to check for crashes or other problems created by the fleeing suspect

   g. Return to assigned duty area if necessary

D. Pursuing Officer Responsibilities.

1. Evaluate the necessity of the pursuit before the actual initiation and during the pursuit. Evaluation criteria include adherence to agency policy for the initiation and continuation of the pursuit, including, but not limited to, road conditions, density of population, severity of the crime(s), weather conditions, and necessity of the pursuit.

2. Notify Communications Center that a pursuit is in progress, the reason for the pursuit, location, direction of travel, description of vehicle pursued and other pertinent due regard elements.

3. Continue to give updates on location, directions of travel and other information as it relates to the pursuit.

4. Respond to questions asked by telecommunications personnel and/or their Supervisor /OIC.

5. Provide immediate radio notification upon termination of the pursuit.

E. Communications Center Responsibilities

1. Radio frequencies to be used will be based on availability to the police units involved in the pursuit. Because all agencies in this county have a common channel, Outagamie County Channel 1, that frequency shall be the one used by the police pursuit vehicles once the pursuit crosses a jurisdiction line.

2. Upon receiving notification of the pursuit, the Communications Center personnel will restrict the radio channel to the use of police radio traffic involved in the pursuit.

3. When a vehicle pursuit is initiated, an on-duty supervisor shall communicate over the radio that he/she will be “incident command” for the pursuit. In the absence of a clear communication on who is incident command for the pursuit, the Communications Center shall assign a supervisor to monitor the pursuit.

4. Notify the jurisdiction being entered or about to be entered, of the pursuit. The notification will be completed on the primary radio channel.

5. Notify other police agencies in the immediate area that a pursuit is in progress and the reason for the pursuit.

6. Communications Center personnel may assist in coordinating law enforcement resources for the pursuit.

7. Ensure that the primary police unit involved in the pursuit clearly states the reason for the pursuit as well as prompting continual updates from units involved in the pursuit.

8. Obtain the reason for any pursuit that is entering Outagamie County from police agencies outside this county. The reason for the pursuit shall be broadcast on the primary radio channel.

F. Assisting Officer Responsibilities

1. Officers assisting shall monitor the radio channel being used to provide information regarding the pursuit. Radio discipline on the primary radio channel is critical and should be limited to radio traffic that is pertinent to the pursuit.

2. If possible, the second police unit directly involved in the pursuit should assume radio communication responsibility for the pursuit, and relay the information to other units and the Communication Center.

3. No more than three (3) police vehicles shall be in direct pursuit of the suspect vehicle at any time.

4. Be prepared to assume primary police unit duties if circumstances require.

5. Be prepared to assist in the event of accidents or incidents that happen during the course of the pursuit.

G. Supervisor Responsibilities

1. When a vehicle pursuit is initiated, an on-duty supervisor shall communicate over the radio that he/she will be "incident command" for the pursuit. In the absence of a clear communication on who is incident command for the pursuit, the Communications Center shall assign a supervisor to monitor the pursuit.

2. Monitor the progress of the pursuit to ensure compliance with policies and legal standards.

3. Order and coordinate additional police units to assist, or request other police agency assistance.

4. Order termination of the pursuit if weather, road, other traffic conditions, or other circumstances warrant pursuit termination.

5. The supervisor shall direct the actions of the pursuing officer(s) and the assisting officers to attempt to successfully conclude the pursuit as safely and

quickly as possible. This may include coordinating alternative tactics to induce or force the fleeing vehicle to stop.

H. Pursuit into Another Jurisdiction

1. When a pursuit proceeds from one jurisdiction into another jurisdiction, the following procedures will apply:

   a. The primary unit or supervisor may request assistance from the jurisdiction being entered, and the request may include direct pursuit assistance or induce or force-to-stop tactics.

   b. The supervisor or OIC of the jurisdiction being entered may request termination of the pursuit. The supervisor or OIC from the jurisdiction who originally initiated and continued the pursuit shall make a decision as to whether or not to terminate the pursuit. If the pursuit continues after receiving a request to terminate from the jurisdiction's law enforcement agency, the agency that continues the pursuit is responsible for any and all situations that arise from that pursuit.

   c. Local agency policies will dictate when officers that are assisting in pursuits return to their own jurisdiction.

   d. When the pursuit enters another jurisdiction, the supervisor or OIC of that jurisdiction should attempt to notify the pursuing officer(s) of specific circumstances in that community that may cause safety hazards, such as special events, parades, etc.

2. Pursuits entering Outagamie County from other jurisdictions will be requested to inform of their entry into the County, as well as any jurisdiction within the County that is entered. On behalf of law enforcement agencies throughout Outagamie County, the Outagamie County Sheriff's Department will provide written notice to adjacent jurisdictions that any pursuits initiated by those agencies that will enter Outagamie County will be asked to provide information regarding assistance requested and the reason for the pursuit.

I. Intervention Options

1. Guidelines adopted by police agencies within Outagamie County for effective pursuit intervention options will remain under authority of individual agencies.

2. The following rules shall apply when a pursuit enters another jurisdiction and a pursuing officer or incident command requests the use of additional intervention options.

a. Approval and/or coordination by incident command

b. Radio broadcast of the deployment location.

3. Officers shall use only the amount of force that is objectively reasonable to control a situation, effect an arrest or seizure, or stop a vehicle when accomplishing a legitimate law enforcement objective.

VI. TRAINING AND REVIEW

A. Biennial Vehicle Pursuit Training

1. All officers shall receive at least four (4) hours of vehicle pursuit training every other year. The training shall minimally be based upon model standards promulgated by the Wisconsin Law Enforcement Standards Board (LESB). All officers will complete a written exam at the end of the training session. §165.85 (4) (cm) 2b, Wis. Stats.

B. Policy Reevaluation

1. This policy shall be reviewed by June 30th of each even numbered year and if considered appropriate, revisions shall be made. §165.85 (4) (cm) 2a, Wis. Stats.

C. Pursuit Reviews

1. Following each multi-jurisdictional vehicle pursuit governed by this agreement, it shall be the responsibility of the agency that initiated the pursuit to coordinate a pursuit review. The review will examine the performance of the guidelines established by this agreement.

2. The review team shall consist of at least one representative from each involved agency and one Emergency Vehicle Operations and Control Instructor from an uninvolved agency within Outagamie County.

Outagamie County Sheriff Bradley Gehring	Appleton Police Dept Chief David J. Walsh
Black Creek Police Dept. Chief Lowell James	Combined Locks Police Dept. Chief Scott Lund
Fox Valley Metro Police Dept. Chief Erik Misselt	Freedom Police Dept. Chief James Molloy
Grand Chute Police Dept. Chief Greg Peterson	Hortonville Police Dept. Chief Michael Sullivan
Kaukauna Police Dept. Chief John Manion	New London Police Dept. Chief Jeffrey Schlueter
Oneida Police Dept Chief Richard Van Boxtel	Seymour Police Dept. Chief Richard A. Buntrock
Shiocton Police Dept. Chief Eugene Bunell	Wrightstown Police Dept. Chief Perry Kingsbury

Chaplain Policy Appendix.pdf

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Addendum A

International Conference of Police Chaplains

Law Enforcement Chaplains - Canon of Ethics

I. The Law Enforcement Chaplain is foremost a member of the clergy and not an officer of the law. If a Chaplain does happen to be a sworn officer as well as a chaplain, he or she must make certain that everyone understands which role he or she is fulfilling at any given time, always conducting himself or herself in an ethical and professional manner. Departmental requirements for reporting matters up the chain of command and the necessity for confidentiality in communication with the chaplain make this imperative.

II. The Law Enforcement Chaplain shall be, and continue in good standing to be, a member of his or her faith group clergy. Any change in such status must immediately be reported to Departmental authorities and to the International Conference of Police Chaplains.

III. The Law Enforcement Chaplain serves in an ecumenical capacity. He or she is not to use the chaplaincy to proselytize or to preach in order to win adherents to his or her faith group. It shall be assumed that the Law Enforcement Chaplain shall be familiar with the beliefs and practices of the various faith groups represented in his or her Department. It shall further be assumed that the Law Enforcement Chaplain is familiar with the requirements of honesty, integrity, humility, compassion, decency, brotherhood, humanity and love that are overarching concepts among faith groups.

IV. The Law Enforcement Chaplain shall not hesitate to seek guidance either from Departmental authorities or clergy of other faith groups when such guidance becomes necessary to the proper discharge of chaplaincy duties.

V. The Law Enforcement Chaplain may from time to time face situations involving members of his or her general community. The chaplain is to discharge his or her duties in such situations with due regard for any Departmental policies and procedures that may obtain in such circumstances. The chaplain is still a member of the clergy and as such may be of service to the entire community as long as he or she does not infringe upon the ministry of another member of the clergy and does not improperly involve his or her Department by such service.

VI. It cannot be stressed too strongly that the Law Enforcement Chaplain shall maintain the confidentiality of those who seek his or her guidance and counsel as a chaplain. The Law Enforcement Chaplain shall become familiar with the laws governing confidentiality that obtain in his or her state, province, territory or nation.

VII. The Law Enforcement Chaplain shall be aware of Departmental regulations concerning favors, gifts and gratuities and follow them rigorously. He or she shall not give or receive any favor, gift or gratuity that has, or has the appearance of having, a basis in special consideration. He or she shall always conduct himself or herself in an ethical and professional manner.

VIII. The Law Enforcement Chaplain shall not lend his or her presence to any political or social movement in any manner that may suggest departmental endorsement of such a movement. Any such endorsement or advocacy must be undertaken only as a civilian member of the clergy. Political and social movements are clearly distinguishable from civic office. As citizens, Law Enforcement Chaplains may and do hold public office either by election or appointment. At all times, however, the role of public servant must be held distinct from the role of clergy.

IX. The Law Enforcement Chaplain shall maintain timely and accurate records of any resources put at his or her disposal for the exercise of the chaplaincy ministry and be ready at all times to render an account of such resources to the appropriate authority or authorities.

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Outagamie County Joint Protocol for a Collaborative Response to Child Maltreatment

(Insert Date)

Outagamie County
Joint Protocol for a Collaborative Response to Child Maltreatment

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Outagamie County
Joint Protocol on a Collaborative Response to Child Maltreatment

I. Purpose Statement

The purpose of the Outagamie County Joint Protocol on a Collaborative Response to Child Maltreatment is to facilitate and enhance cooperation in assessing child maltreatment cases in Outagamie County.

Outagamie County will use a multidisciplinary team approach to establish a cohesive, coordinated system designed to minimize trauma to the child victim while maximizing evidence collection. Key participants in this approach include law enforcement, social services, the district attorney's office, medical providers, victim advocates and mental health providers. As cases of child maltreatment are encountered, participants will collaborate in a child centered way, emphasizing child safety, quality assessments and investigations, assisting victims and non-offending caregivers in the recovery process, and working together to prevent future maltreatment of children.

The participants agree to the following:

A. To develop and support the Fox Valley Child Advocacy Center (FVCAC) and a community multidisciplinary approach to the assessment and investigation of child maltreatment.

B. To follow the multidisciplinary approach as prescribed by the Protocol, as long as it remains consistent with all policies, statutes, rules, and regulations governing each agency. In instances where such policies, statutes, rules, or regulations conflict with the Protocol, they shall prevail.

C. To share information among multidisciplinary team members as permitted by ss. 48.981(7)(a)6 and (6m), Wis. Stats**.** The participants will maintain the confidentiality of all records and information gathered on child maltreatment cases and preserve the privileged nature of said records and information.

D. To actively participate in ongoing cross training by providing training to others and making staff available to attend training.

E. To review and amend this document and protocol annually and as needed.

F. Any agency may terminate participation in this agreement by providing 30 days written notice.

II. Multidisciplinary Team Composition and Responsibilities

The Multidisciplinary Team shall be comprised of representatives of the following agencies and disciplines, but may be expanded to include other professionals as necessary on a case by case basis:

A. Outagamie County Law Enforcement Agencies

Law enforcement agencies are responsible for the investigation of child abuse, neglect and other violations of the criminal laws of the State of Wisconsin. Law enforcement officers will be responsible for collection, preservation, and storage of all physical and testimonial evidence, including audio visual recordings, photographs, written documents and diagrams, which may be used in prosecution.

B. Outagamie County Department of Health and Human Services (OCDHHS)

The OCDHHS Child Protective Services (CPS) Division is responsible for the maltreatment and safety assessment of children and their families. When appropriate, CPS creates the safety plan and provides emergency service interventions while continuing the full assessment. CPS and law enforcement will determine whether to take custody of children to ensure their well being and safety.

Outagamie County CPS is responsible for collecting and preserving information or evaluations which may be needed to support ongoing court actions under Chapter 48 and assisting families with services. CPS may make child abuse and neglect reports and records available to members of the Multidisciplinary Team and employees of the FVCAC as permitted under §§48.981(7)(a)6 and 6m, Wis. Stats. CPS will interview family members and collateral contacts, following Wisconsin CPS standards, in coordination with law enforcement. When a child is suspected to be, or has been identified as, an Indian Child, CPS will contact and work with the identified tribe to coordinate assessments and planning in accordance with s. 48.981(3)(bm), Wis. Stats. CPS will make substantiated reports available to law enforcement and the district attorney's office.

C. Oneida Nation Indian Child Welfare Department

ICW and CPS are working on this section

D. Outagamie County District Attorney's Office

The District Attorney has sole responsibility for determining whether or not to initiate formal criminal charges, with input from law enforcement, CPS, FVCAC, and/or medical personnel involved in the case. The district attorney's office will assist law enforcement with formal actions required in investigations, such as obtaining search warrants. If formal charges are issued, the district attorney's office will represent the interests of the State at all hearings pertaining to those charges and, with the assistance of the Victim Witness Coordinator, will supervise the preparation of witnesses for testimony.

The district attorney's office also has responsibility for determining, with input from law enforcement, CPS, and/or medical personnel involved in the case, whether or not to initiate a CHIPS petition under §48.13 Wis. Stats..

The District Attorney will be available to assist law enforcement and CPS in making decisions on whether to take children into custody and to confer on investigative strategies. If a CHIPS petition is filed, the District Attorney will represent the interest of the State at all hearings pertaining to the petition.

The final decision making authority concerning prosecution of a CHIPS case rests with the district attorney's office.

E. Fox Valley Child Advocacy Center (FVCAC)/Children's Hospital of Wisconsin

Children's Hospital of Wisconsin – Fox Valley (CHW-FV) is the legal entity responsible for the FVCAC. CHW-FV is responsible for the governance and organizational oversight of the FVCAC program, fiscal operations and administrative policies and procedures.

The FVCAC provides a child friendly and neutral site for the forensic interview of suspected child victims of physical abuse, sexual assault, neglect, and child witnesses of alleged crime. The FVCAC also conducts medical evaluations and provides referrals for mental health services, as well as advocacy and support for the child and non-offending caregivers.

The FVCAC serves as the focal point of the Multidisciplinary Team created by this agreement. The success of the FVCAC is grounded in active support, open communication, partnership, and collaboration between all participating agencies.

F. Mental Health Services

1. Catalpa Health is a pediatric mental health clinic with professionals trained in treating child trauma that stems from child maltreatment and family violence. Catalpa Health will receive referrals from the FVCAC and other members of the Multidisciplinary Team.

2. The Evaluation and Psychotherapy Unit at Outagamie County Department of Health and Human Services offers outpatient mental health evaluations and treatment by clinical psychologists, clinical therapists and psychiatrists, including medication management. Treatment is provided for a wide variety of issues for children and adults. Several clinicians on the team are certified in providing evidenced based trauma work using the Trauma Focused Cognitive Behavioral Therapy (TF-CBT) modality.

G. Advocacy Organizations

The Sexual Assault Crisis Center, Harbor House Domestic Abuse Programs, and the Victim Crisis Response team provide advocacy services for children and non-offending parents.

H. Health Organizations – Sexual Assault Nurse Examiners

The Sexual Assault Nurse Examiner (SANE) team may provide medical evaluations for children in sexual assault situations on the weekends or during the evening hours when FVCAC medical services are unavailable.

III. Multidisciplinary Team Information Sharing

Information will be shared among team members as allowed under s. 48.981 (7)(a)(6), Wis. Stats.

IV. Referrals to FVCAC

A. Referrals for forensic interviewing of children at the FVCAC must come from law enforcement, CPS, or the district attorney's office.

B. Referrals for medical evaluations of children at the FVCAC must come from law enforcement, CPS, the district attorney's office, or a child's medical provider (in conjunction with a mandated report to CPS or law enforcement).

C. As part of the investigative process, law enforcement and CPS will refer cases of alleged of sexual assault of a child to the FVCAC.

D. Referrals to the FVCAC may be made in cases of other child maltreatment, such as witnessing domestic violence, physical abuse, neglect, missing and exploited children, drug endangered children and witnessing other criminal activity.

E. Advocacy needs will be assessed at the time of the referral to the FVCAC.

V. Multidisciplinary Investigations

A. Reporting Requirements

1. As required by §48.981(3)(a)2, Wis. Stats., law enforcement agencies will refer all of the following types of child maltreatment cases to CPS:

    a. Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.

    b. Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.

    c. Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.

    d. Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.

2. Law enforcement will contact CPS by telephone to refer the case and plan for intervention within a timeframe consistent with the need to initiate contact with the child. The timeframe for referral will never exceed 12 hours, exclusive of Saturdays, Sundays or legal holidays, as required by statute.

B. Investigative Planning

1. Law enforcement and CPS will collaborate on their investigation, share information to the greatest extent possible as allowed by their agencies, and work towards what is in the best interest of the child from a protective and legal standpoint. The purpose of this is to minimize the number of interviews, maximize victim safety, and minimize trauma to the child.

2. During preliminary investigative planning, law enforcement and CPS may have discussions with FVCAC staff to determine the

appropriateness of a FVCAC referral. The following factors favor a FVCAC referral:

a. Imminent exposure to the alleged offender
b. Intra-familial abuse, regardless of location
c. Concern over recantation
d. Non-believing caregiver
e. Multi-offender cases
f. Non-caregiver cases
g. Multi-victim cases
h. Cases such as homicide, abduction, etc.

3. The FVCAC will make decisions regarding a forensic interview based on the following:

a. The referral criteria listed above, and

b. The child's age, language skills, disability, and emotional and/or psychological capacity. The FVCAC will work to accommodate these factors to the greatest extent possible.

4. A team staffing process may be used to exchange information among professionals prior to a FVCAC forensic interview. The purpose is to discuss information about a case to evaluate the best course of action, to prepare for the interview and to help ensure that team members have the information they need as part of the investigation process. Team members involved in a case will share information to the greatest extent possible and maintain confidentiality as required by law. (Refer to Appendix A "Fox Valley Child Advocacy Center Case Staffing Protocol")

5. The investigators may, as needed, confer with the district attorney's office at any point in the investigation, including the investigative planning process.

C. Minimal Facts Interview

1. Whenever possible, the initial interviews of child victims and witnesses should be conducted by personnel properly trained to elicit accurate information from a child while minimizing additional trauma to the child.

2. When feasible, CPS and law enforcement will discuss the case beforehand and conduct a joint minimal facts interview that will meet the needs of each system. CPS will engage in a process that assesses safety and risk and service needs. Law enforcement and

CPS will conduct interviews in the field to assess the allegations of child maltreatment. (Refer to Appendix B "Minimal Facts Interview.")

D. Forensic Interview Protocol

1. Fox Valley Child Advocacy Center forensic interviewer is a trained social worker who is available to conduct forensic interviews.

2. Children should be interviewed in a safe, neutral, child friendly environment like the FVCAC whenever possible.

3. Forensic interviews will be recorded and compliant with s. 908.08, Wis. Stats. The goals of a recorded forensic interview include:

    a. Minimizing the trauma of the investigation for the child.
    b. Maximizing the information obtained from the child about the alleged event(s).
    c. Maintaining the integrity of the investigative process.
    d. Minimizing the number of interviews

4. Children should be interviewed in accordance with nationally recognized protocols. This protocol uses the Step-Wise Interview Guidelines and the Cognitive Graphic Model of Interviewing. Both protocols utilize fundamentals that are consistent with established research on child interviewing.

5. The basic interview includes the following:

    a. Phases of introduction, rapport building, developmental assessment (including learning the child's names for different body parts), cultural factors, competency assessment (including truth/lie), narrative description of the event or events under investigation (including the actual abuse;
    b. The context of the abuse;
    c. The identity of the offender;
    d. The timeframe and location of the abuse;
    e. The frequency of abuse, what was said, seen, heard, and tasted;
    f. The presence of threats;
    g. The environment where the abuse occurred;
    h. Who else was there;
    i. Where other relevant people were;
    j. Whether any objects were used; and

k. Any other factors concerning the abuse significant to the child or the interviewer) follow-up questions, clarification, and closure.

6. In discussions with the Multidisciplinary Team, it may be determined useful to alter the structure of the interview or utilize different interview approaches depending on the needs and/or age of the child or the existence of any developmental or physical disabilities. For example, the interviewer may use dolls, drawings, or other aides in communicating with the child during the interview.

7. Prior to commencing a forensic interview, the forensic interviewer should be given all available case information.

8. Prior to commencing a forensic interview, all children age 12 and over, barring developmental/mental disability, will be administered an oath designed to establish the child's understanding that false statements are punishable and the importance of telling the truth. This oath shall be administered by FVCAC staff and/or a commissioned Notary Public. In the event the child's development level is inappropriate for the administration of an oath or affirmation in the usual form, an effort shall be made by the interviewer to establish a similar understanding.

9. If any other individual, other than the forensic interviewer, is present in the room while the child interview is being conducted, that individual will be present within the visual field of the video camera.

10. CPS and law enforcement professionals may also conduct forensic interviews at the FVCAC. Interviewers must have Basic Step-Wise Interview Guidelines or Cognitive Graphic Model of Interviewing training, with advanced training preferred.

11. All Law Enforcement or CPS forensic interviewers must also:

    a. Be actively employed in law enforcement or child protective services,

    b. Have an interest in developing and maintaining a forensic interview skill set by attending continuing education on topics related to child forensic interviewing,

    c. Be willing to investigate and assess all forms of child maltreatment using professional standards with the best interest of the child at the center of investigation/ assessment actions,

d. Regularly perform video recorded forensic interviews with children at the most child friendly location possible to minimize trauma for the child and family. The multidisciplinary team recommends the following locations:

(1) The Fox Valley Child Advocacy Center
(2) The Appleton Police Department
(3) The Grand Chute Police Department

e. Participate regularly in peer review,

f. Complete documentation according to employing agency guidelines,

g. Consult with the FVCAC nurse practitioner to determine need for a medical evaluation, and

h. Serve as a liaison between their agency and the FVCAC.

E. Interview Monitoring and Wrap Up

1. Each forensic interview will be monitored via closed circuit television by a member(s) of the Multidisciplinary Team, which may include, but is not limited to, the following:

a. Law enforcement
b. OCDHHS (initial assessment, ongoing, and juvenile social workers)
c. DA/ADA
d. Victim/witness personnel
e. ICW Worker
f. Mental health professionals
g. Medical providers
h. Other professionals identified by the team (i.e. Probation and Parole officers with signed consent from the child's caregiver)

2. The Multidisciplinary Team members monitoring the interview will bring all necessary forms, documentation, and history concerning the case to a pre-interview meeting. The team will discuss the case history, including additional information collected since the case referral and the case information the forensic interviewer will have prior to the interview.

3. While monitoring the forensic interview, the Multidisciplinary Team will, at all times, maintain the integrity of the investigative

process. (Refer to Appendix C "Case History for Pre-Interview Meeting.")

4. The Multidisciplinary Team will meet after the interview to discuss the merits of the interview and determine the next course of action. The discussion will focus on the following areas, as applicable:

   a. medical concerns
   b. forensic interview results
   c. law enforcement implications
   d. protective issues and placement needs
   e. sibling issues
   f. non-offending caretaker/family member response
   g. advocacy needs
   h. mental health needs and follow-up
   i. other community referrals

5. Following the multidisciplinary review, a team member and/or advocates will meet with the non-offending caregiver to review the outcome of the forensic interview and discuss the next course of action.

F. Interview Documentation

1. All forensic interviews conducted at the FVCAC will be audio and visually digitally recorded. One recording will be given to law enforcement, and one will remain at the FVCAC. Upon request, a copy will be provided to the CPS social worker. No other copies of recorded interviews will be made unless authorized by the court or law enforcement.

2. A synopsis of the interview will also be generated by the FVCAC forensic interviewer and provided to law enforcement, CPS, and, as appropriate, the district attorney's office.

3. When requested, written statements, drawings or diagrams produced by the child during the interview will be labeled with the time, date, and name of the child and released to law enforcement as evidence. CPS may request a copy of these documents.

VI. Medical Evaluation of Children

A. As part of a comprehensive assessment, any child who is the suspected victim of child maltreatment will usually have a medical evaluation.

B. Child maltreatment medical evaluations are best performed by health care professionals who are competent in the medical evaluation of children who may have been maltreated and in providing expert testimony in judicial proceedings. The goals of the medical evaluation are to:

1. Identify and treat injuries,

2. Identify the extent and the cause of the injury,

3. Identify/treat unrecognized medical conditions or injuries,

4. Identify other forms of abuse, neglect and explain mimics of abuse,

5. Collect and identify medical/legal evidence if present,

6. Offer reassurance about the child's health or provide information on treatment of medical conditions, and

7. Offer appropriate medical or mental health referrals.

Many injuries will be missed on visual inspection in the field by non-medical professionals. "injury" in the context of this protocol can mean skin injuries such as bruising, burns or cuts, but it also includes soft tissue injury (such as inside the mouth and underlying muscles) and injury to internal structures such as bones, organs or brain. Many injuries are not visible on a field inspection by non-medical professionals.

C. Referrals to the FVCAC for a medical evaluation may be made by CPS, law enforcement, or health care providers (in conjunction with a mandated report to CPS or law enforcement).

1. The FVCAC does charge a fee for medical evaluations.

2. Most insurance companies will pay for all or a portion of the service. If a family does not have medical insurance, a FVCAC intake staff will discuss options with them.

D. General FVCAC Medical Evaluation Guidelines

1. The requesting CPS worker, law enforcement officer or medical provider will share all case specific information with the FVCAC Nurse Practitioner to facilitate a thorough and effective medical evaluation and to prevent unnecessary additional questioning of the child.

2. If a forensic interview is scheduled for a child who already had a medical evaluation at another facility for suspected child maltreatment, CPS or law enforcement will forward these medical records to the FVCAC so the Nurse Practitioner is able to assess the need for a follow-up medical evaluation.

3. In assessing the urgency of a medical evaluation, it is important to consider the timing of the last contact, what type of contact took place, whether the child is experiencing any symptoms from the abuse, and the safety of the child. When there are questions about whether or when a child should be seen for a medical evaluation, investigators should refer to the guidelines described later in this protocol or consult with the FVCAC Nurse Practitioner.

4. If a child is unwilling or unable to cooperate in the medical evaluation, the health care provider will determine whether an examination under anesthesia is medically necessary or whether it should be attempted at a later date. In the majority of the cases, the preference is to attempt another evaluation in the future, unless an urgent evaluation is medically necessary.

5. Following the medical evaluation, the FVCAC Nurse Practitioner will review the results with the child and caretaker. Results and findings will also be reviewed with members of the multidisciplinary team according to the law and policies regarding sharing of medical information.

E. Sexual Abuse

1. All children and adolescents suspected of being sexually abused should be offered medical evaluation and in most cases medical evaluations are recommended. When FVCAC medical services are unavailable, children should be medically evaluated by a medical provider who has special expertise in child abuse exams. The preferred location for medical evaluations during business hours is the Child Advocacy Center. After business hours, or if an Emergency Room setting is required, children may be taken to the Emergency Department to be evaluated by Pediatric Sexual Assault Nurse Examiners or other medical providers with this training/experience. A follow-up medical evaluation at the FVCAC is often indicated. (For additional information, refer to Appendix D, “Medical Evaluation Guidelines.”)

2. Urgent medical evaluation - A child who is suspected of being the victim of sexual abuse needs to be seen urgently (FVCAC or Emergency Department) if one of the following is present:

a. The last incident of sexual contact occurred within the last 72 hours to 120 hours

b. The child has a presumed sexually transmitted infection.

c. There are immediate emotional or safety issues.

d. The child has complaints of pain or bleeding (anything more than minor bleeding should be seen in the ED).

3. Non-urgent medical evaluation at the Child Advocacy Center

a. Last episode of abuse is remote (greater than 120 hours)

b. Child is asymptomatic, and

c. A safety plan is in place

F. Physical Abuse and Neglect

1. When CPS, law enforcement, or medical professionals suspect a child has been physically abused or neglected, a medical evaluation at the FVCAC, their primary care provider's office, or the Emergency Department should occur as soon as possible. Children with fairly minor visible injuries may have serious internal injuries or be at risk for serious injury.

2. The following guidelines apply to timing and location of the medical evaluation for physical abuse (For additional information, refer to Appendix D "Medical Evaluation Guidelines.")

a. Same day appointment or Emergency Department, if after hours:

(1) Child with suspicious skin injuries (same day or as soon as possible).
(2) Minor burns.
(3) Bite injuries.
(4) History of suspicious head trauma with no symptoms or history of loss of consciousness. Because of the potential for dangerous injury, please speak with a FVCAC medical provider when you become aware of the injury or go to the Emergency Department. Have an immediate evaluation in the Emergency

Department in young infants with a history of head trauma.

b. Appointment at earliest convenience

(1) Child makes a disclosure of abuse, but no injuries are seen and there is no reason to suspect acute injury.
(2) Sibling or other child exposed to alleged maltreater and for whom there is low suspicion of injury.
(3) Physical abuse allegation occurring more than 2 weeks prior to referral and child is not experiencing pain.

c. Direct to Emergency Department

(1) Serious/life-threatening injury.
(2) Ill-appearing infants.
(3) Witnessed or alleged shaking.
(4) Infant with suspected head trauma.
(5) Any head trauma with neurologic symptoms (ex. excessive sleepiness, irritability, vomiting, seizures, abnormal breathing).
(6) Serious injury to thorax/abdomen.
(7) Possible fractures.
(8) Frank bleeding (more than spotting).
(9) Injury requiring sutures or other treatment.
(10) Burns, other than minor burns (have child evaluated in the emergency department if you are uncertain).
(11) Ingestions/poisonings

3. A follow-up medical evaluation at the FVCAC should be considered for children who are medically evaluated at the Emergency Department with injuries concerning physical abuse, especially for children under two years old, to ensure the child abuse medical evaluation and injury surveillance is complete.

G. Visible Injuries will be photographed as part of medical evaluations at the FVCAC. (For additional information, refer to Appendix D "Medical Evaluation Guidelines.")

H. Following a medical evaluation, the FVCAC Nurse Practitioner will review the results with the child and caregiver. Results and findings will also be reviewed with members of the Multidisciplinary Team according to the law and policies regarding sharing of medical information.

VII. Prosecution

A. Upon conclusion of the forensic interview, medical evaluation, and other necessary investigative steps, a determination will be made regarding criminal charges and prosecution.

B. Factors considered for filing criminal charges include:

1. Quality/quantity of evidence substantiating abuse;
2. A child's ability to participate in the criminal prosecution without undue trauma; and,
3. Safety of the child victim, other children and the community.

C. Factors considered for filing of a CHIPS petition include but are not limited to:

1. Quality/quantity of evidence substantiating abuse;
2. The child's ability to participate in the prosecution of the case without undue trauma; the best interest of the child; and
3. The safety of the child victim, other children and the community.

D. In addition to the factors considered for filing a CHIPS petition, the final decision on prosecuting a CHIPS case will include:

1. Evidence suggesting that no abuse occurred; and
2. The feasibility of alternate options for handling the disposition consistent with the best interest of the child, other children, the family, and the community.

VIII. Mental Health Services

A. Each child seen at the FVCAC will be considered for mental health services. The FVCAC will refer children to service providers who used trauma informed and evidence based techniques. The FVCAC staff and/or advocates will discuss identified needs with non-offending parents and caregivers and make appropriate recommendations and referrals for therapy or other services that will be helpful to the child.

B. If the child's therapist is invited to Case Review, he or she will provide the team with updates on the child's progress following established confidentiality guidelines. As mandated reporters, mental health professionals are required to immediately report all cases of suspected child maltreatment pursuant to s. 48.981, Wis. Stats.

C. The FVCAC staff encourages caregivers in seeking support and/or professional help through the process of an investigation/assessment,

intervention, and court process. Resource and advocacy information is provided to families.

D. The Multidisciplinary Team encourages all professionals who work with child maltreatment to take care of themselves. Agencies are encouraged to support and assist professionals coping with trauma associated with child maltreatment cases. Case review meetings are also a place to discuss concerns and develop strategies to minimize the impact secondary traumatic stress that could affect Multidisciplinary Team members.

IX. Victim Support and Advocacy

A. Victim/Witness advocates provide an essential service to the family in the team response to child maltreatment. Advocacy services play an important role in assisting victims and their families during traumatic and difficult times. Confidential support and advocacy services are made available, free of charge, to children and non-offending caregivers during the investigation and subsequent legal proceedings.

B. In Outagamie County, victim support and advocacy is provided by the following organizations:

1. Sexual Assault Crisis Center, which provides advocacy services in cases of suspected sexual abuse.

2. Harbor House Domestic Abuse Programs, which provides advocacy services in cases of suspected physical abuse, cases where a child has been a witness to an alleged domestic violence incident, or cases where a child has been harmed in the midst of suspected a domestic violence incident.

3. Victim Crisis Response Team, which provides advocacy services for various types of suspected child maltreatment.

C. Advocacy is available for the following:

1. Safety planning
2. Information about, and coordination of, services within the community; e.g., housing, transportation, public assistance, etc.
3. Therapy referrals
4. Medical advocacy
5. Legal advocacy and education
6. Criminal justice support and advocacy
7. Crime Victim Compensation assistance
8. Children’s advocacy and programming
9. Support groups

10. 24-hour phone support
11. Follow-up appointments

D. Outagamie County Victim/Witness Program – Outagamie County District Attorney's Office.

1. Upon request, the Victim Witness Assistance Program will provide the following services throughout the duration of the criminal case:

a. Information regarding the ongoing status of the case;
b. An explanation of how the case will proceed through the criminal justice system;
c. Assistance in arranging a meeting to confer with the prosecutor regarding potential plea agreements;
d. Information and referrals to support services;
e. Assistance in preparing to testify;
f. Accompanying victims/witnesses to court proceedings; and
g. Assistance with exercising all rights afforded through Chapter 950, Wis. Stats., Rights of Victims and Witnesses of Crime.

X. Cultural Competency and Diversity

A. Diversity issues influence nearly every aspect of work with children and families. As such, culturally competent services are routinely made available to all FVCAC clients and coordinated with the multidisciplinary response.

B. To effectively meet the needs of those served at the FVCAC, we agree to recognize diversity and work toward better understanding the diverse needs of those we serve, address culture and development throughout the investigation, adapt practices as needed, and offer services in a manner that can be utilized and understood.

C. Members of the Multidisciplinary Team are responsible for the continued development and evaluation of the FVCAC Cultural Competency Plan, which includes but is not limited to:

1. Community, organization, and client needs;
2. Value of culture and diversity;
3. Staff training, development, and goals;
4. Incorporation of culture and diversity;
5. Necessary resources and related costs;
6. Outcomes and objectives;
7. Timeline of activities; and
8. Outcome evaluation.

XI. Case Review

A. Case review is a formal process for the exchange of information among professionals.

B. Multidisciplinary Team members will meet regularly to review certain active cases. The purpose of these meetings is to pool information, compare notes and discuss follow up investigation and child protective needs.

C. Case review monitors case progress, encourages accountability and helps to ensure that children's needs are met sensitively, effectively and in a timely manner. In addition, knowledge and expertise of all team members is shared so that informed decisions can be made, collaborative efforts are nurtured, communication is promoted, and mutual support is provided. (Refer to Appendix E, Fox Valley Child Advocacy Center Case Review Protocol)

D. Information will be shared to the extent allowed by law. Each individual representative and agency is responsible for maintaining confidentiality to the extent required by law and accepted practice. Team members are bound by professional ethics to only share information outside of the forensic interview and case staffing processes to the extent allowed by law and required by professional responsibilities. (Refer to Appendix E, Fox Valley Child Advocacy Center Case Review Protocol.")

E. Members of the Multidisciplinary Team who will regularly attend case reviews are:

1. Law enforcement;
2. Outagamie County Department of Health and Human Services;
3. Outagamie County District Attorney's Office;
4. Medical evaluator/nurses;
5. Victim advocates;
6. FVCAC staff;
7. Mental health providers
8. Oneida Nation representatives; and
9. Other professionals as deemed appropriate.

XII. Case Tracking

A. FVCAC will track outcomes on all cases for evaluation and services.

1. All cases that are referred to the FVCAC shall be tracked beginning with initial case information.

2. All team members will provide the information necessary to complete the tracking requirements in a timely manner. Information tracked will include:

    a. Identifying information about the child and family including age, ethnicity, disability, and gender.
    b. Identifying information about the alleged offender (name and date of birth).
    c. Types of maltreatment alleged.
    d. Relationship of the perpetrator to the child.
    e. Names of team members involved in case and systems involved.
    f. Charges filed and case disposition in court.
    g. Child protection outcomes.
    h. Status of medical health and mental health referrals

B. The National Children's Alliance, a professional membership organization that provides training, technical assistance, and leadership to child advocacy centers, also requires aggregate data to be submitted. The FVCAC will collect and submit this data as a matter of good practice. This data includes:

1. Total number of children seen at the FVCAC.

2. Gender of children seen.

3. Race or ethnicity of children seen.

4. Number of children seen for each type of maltreatment.

5. Number of children receiving:

    a. On-site medical exams.
    b. Court preparation.
    c. Forensic interviews.
    d. Counseling/therapy.

6. Number of children maltreated by offender type and age.

7. Outagamie County CPS disposition.

8. Outagamie County CPS service status.

9. Prosecution disposition.

XIII. Conflict Resolution

A. In situations where there is conflict between Multidisciplinary Team members in a specific maltreatment case, the involved team members will attempt to resolve their differences.

B. If the team members cannot resolve the disagreement, they shall immediately contact their respective department supervisors. The issue shall be immediately addressed to determine the barriers to protocol implementation. If this does not resolve the disagreement, agency heads will meet and review the disagreement and agree on a resolution.

C. Disagreements are to be resolved as quickly as possible and in a manner that does not compromise the investigation or the safety of the child victim or other family members.

XIV. Review of Protocol

Reviews of the protocol will be conducted annually. The review will be conducted on the team level. Additions and changes to the protocol will be made in writing and will be agreed upon by all team members. Once changes are made and agreed upon, the protocol will go to the department heads of Multidisciplinary Team agencies for final approval. Upon approval protocol will be signed by organizational representatives.

Appendix A

Fox Valley Child Advocacy Center Case Staffing Protocol

In accordance with the Fox Valley Child Advocacy Center's philosophy of promoting a team approach to the investigation, service provision and prosecution of child abuse cases and collaboration in addressing the needs of children and families, a multidisciplinary case staffing may be held to determine the best course of action

Purpose
Case staffing is a process by which knowledge, experience and expertise of MDT members is shared so that informed decisions can be made regarding a child and/or family alleged to be affected by child abuse and/or neglect. This process is designed to determine the best course of action by those assigned to and/or involved in a case prior to a formal forensic interview. A case staffing may be requested by any member of the Multidisciplinary Team to assure that the needs of children and their non-offending caregivers are met sensitively, effectively and in a timely manner.

Goals
- Sharing information with involved professionals
- Determining course of action
- Coordinating strategies and problem solving
- Addressing the needs of children and their families
- Thoroughly reviewing all aspects of the case

Case Staffing Meetings
A case staffing can be requested on an as-needed basis and location can vary depending on requests and case needs. Case discussions will remain confidential and the confidentiality agreement will be signed for any case staffing. All team members will actively participate, problem solve, be non-judgmental and supportive while providing open and honest feedback, and will allow everyone to contribute.

The case staffing will be coordinated and facilitated by FVCAC staff.

Appendix B

Minimal Facts Interview

To avoid multiple interviews of child victims, a Joint Protocol on a Collaborative Response to Child Maltreatment has been developed which suggests that the responding investigator taking an initial report of suspected child abuse conduct a "Minimal Facts Interview". This interview will be followed by a formal, in depth forensic interview in a child friendly setting at the Fox Valley Child Advocacy Center (FVCAC).

It is understood that all investigations differ in some respect and the approach to the Minimal Facts Interview is flexible and permits the responding investigator to use his/her judgment in following the procedure. For example, if the child offers detailed information, that information should be documented or otherwise recorded, and the report should reflect the circumstances under which the child made the disclosures. If the child is not volunteering information, questioning and particularly leading questions, should be avoided and "Minimal Facts" should be developed from other sources whenever possible.

Minimal Facts Include:

1. What happened? (Nature of allegation, where on the child's body, how child was forced or coerced)

2. Where did it happen? (Check for multiple jurisdictions).

3. When did it happen? (Last time it occurred? First time? How often?)

4. Who is/are the alleged perpetrators? (Age/DOB, relationship of alleged perpetrator/s)

5. Are there witness and/or other victims?

6. What steps are necessary to assure the safety of the child and other potential victims (siblings or other children to whom the perpetrator has access)?

7. Is immediate medical attention necessary?

8. Do not ask the child "Why" the abuse etc. occurred, as it infers blame

The first concern of any investigation must be the safety of the child. If, in the judgment of the investigator, expansion of the Minimal Facts Interview is necessary, avoiding in-depth interviews must give way to the investigator's on-the-scene judgment. Every effort should be made to avoid victim interviews in the late evening or early morning hours.

The non-offending caregiver should be advised that an in depth, forensic interview will take place at the FVCAC, where all investigative agencies will be represented and trauma to the child minimized

Appendix C

Case History for Pre-Interview Team Meeting

Whenever possible and/or known, the following information can be shared amongst the Multidisciplinary Team:

- Medical symptoms/prior diagnoses
- Family history of child welfare involvement and/or foster care involvement
- Pending and past court involvement (criminal, CHIPS, or family)
- Custody and/or visitation arrangements
- Prior substantiated abuse history
- Exposure to known/suspected offenders
- Family history of child maltreatment and/or sexual abuse
- History of mental illness
- Domestic violence
- Criminal history
- Alcohol/drug abuse
- Exposure to pornography
- Exact allegations
- Response by caretakers/investigators thus far
- Behavioral issues/changes/symptoms of child (including sexual behaviors)
- Cognitive or emotional limitations
- School functioning

Appendix D

Medical Evaluation Guidelines

Sexual Abuse

Timing of the Medical Evaluation

Genital/rectal or oral contact LESS THAN 72 HOURS	Same day appointment
Genital/rectal pain or bleeding	Same day appointment
Genital/rectal injuries	Same day appointment
Sexually transmitted infection	Same day appointment
Family or child in crisis	Same day appointment
Genital/rectal or oral contact MORE THAN 72 HOURS	Appointment as soon as possible
Extreme sexualized behavior	Appointment as soon as possible
Non-verbal children without symptoms	Appointment as soon as possible
Incident occurred more than 72 hours ago and child is without symptoms and in a safe environment	Schedule at earliest convenience for the family

Timing of Follow-up Care at the FVCAC

Injury noted during the medical assessment	Appointment as soon as possible
HIV prophylaxis (as appropriate) related to the risk of HIV transmission.	Appointment within 72 hours of incident
No injury noted	Appointment within 2 weeks for STI testing

Photographic Documentation

This information will also be used for medical peer review to ensure ongoing quality medical evaluations at the FVCAC. During the process of video recording children during the anogenital exam, care will be taken to explain what is occurring in language they can understand and to photograph them in positions of comfort. If children refuse to be photographed or recorded, their refusal should be respected. Parental concerns should also be addressed.

The medical provider will store recordings and documentation of the medical evaluation in a secure confidential manner with access limited to only authorized personnel. Photographs and recordings should reflect an accurate representation of the findings. The medical provider should be able to testify that they accurately portray the findings regarding a specific child on a specific date and time.

Physical Abuse and Neglect

Timing of the Medical Evaluation

Serious/life threatening injury	Direct to local emergency department
Significant injury or head trauma in a child <2 years	Direct to local emergency department
Any head trauma with neurologic symptoms (severe headache, vomiting, appears ill, confused/disoriented, unsteady gait or vision complaints	Direct to local emergency department
Serious injury to thorax/abdomen	Direct to local emergency department
Injury requiring sutures	Direct to local emergency department
Serious burns	Direct to local emergency department
Possible fractures	Direct to local emergency department
Child with suspicious bruises, abrasions or lacerations (Consider all bruising in infants who are not yet cruising to be suspicious)	Same day appointment
• Minor burns • Bite marks	Same day appointment
Sibling or other child under the care of the alleged maltreater, who is less than two years old and there is suspicion of trauma	Same day appointment
Immediate concerns regarding the child's safety	Same day appointment
Family or child in crisis	Same day appointment
Child makes disclosure of abuse, but no injuries or symptoms are present	Appointment as soon as possible
Non acute injuries or findings	Appointment as soon as possible
Physical abuse allegations occurring more than 2 weeks prior to the referral	Appointment as soon as possible
Sibling or other child greater than 2 years of age who has been under the care of the alleged maltreater and who did not fit above 'seen immediately' criteria	Appointment as soon as possible
There are no immediate concerns regarding the child's safety	Appointment as soon as possible

Documentation

The Nurse Practitioner may order laboratory studies, to document medical conditions caused by any injury and to exclude medical conditions that may mimic abuse. Imaging studies may be ordered to identify and document injuries that are not externally apparent by physical exam.

The FVCAC Nurse Practitioner will complete a medical report and addendums will be provided if any follow-up evaluations or test results return with positive findings.

Appendix E

Fox Valley Child Advocacy Center Case Review Protocol

In accordance with the Fox Valley Child Advocacy Center's philosophy of promoting a team approach to the investigation, service provision and prosecution of child abuse cases and collaboration in addressing the needs of children and families served by the FVCAC, a monthly Multidisciplinary Team Case Review meeting is conducted in conjunction with the Multidisciplinary Protocol Development Team meeting.

Purpose

Case Review is a formal process by which knowledge, experience and expertise of MDT members is shared so that informed decisions can be made, collaborative efforts are nurtured, formal and informal communication is promoted, mutual support is provided and protocols/procedures are followed. Case Review encourages mutual accountability and helps to assure that the needs of children and their non-offending caregivers are met sensitively, effectively and in a timely manner.

Goals

- Sharing information with involved professionals
- Determining course of action
- Coordinating strategies and problem solving
- Addressing the needs of children and their families
- Thoroughly reviewing all aspects of the case
- Team building, celebrating successes and enhancing team process
- Providing team members with an opportunity to increase their understandings of the complexity of child abuse cases and a forum in which to discuss general issues, problems and concerns related to the FVCAC and the investigations, service provision and prosecution of child abuse cases.

Case Review Ground Rules

1. The content of the team/case discussions will remain confidential and the confidentiality agreement will be signed at each meeting.
2. Team members will actively participate, problem solve, be non-judgmental and supportive while providing open and honest feedback, and will allow everyone to contribute.
3. Our focus will remain on cases and process. We will refrain from instructing other team members on their job responsibilities as we understand that each agency maintains ultimate authority for decisions appropriate to its own policies and statutory mandates and may not be able to adopt some team recommendations.
4. If a designated or assigned team member cannot attend a scheduled case review, a designee and/or his/her supervisor will come prepared to review the case in his/her absence and will provide the missed information to the absent MDT member.

Case Review Meetings
Case Review will be coordinated and facilitated by the FVCAC Manager. Case Review Meetings are held the fourth Thursday of every month from 8:30 am to 10:30 am at the Appleton Police Department, 222 S. Walnut Street, Appleton, WI 54911. Agenda items will include case review, Multidisciplinary Protocol development, agency updates, and feedback about the procedures/operation of the FVCAC/MDT.

Selection of Cases for Review and Notification
FVCAC staff will email the team on or around the first of the month asking for suggestions for cases to be reviewed. All open cases are subject to review at the request of any team member; though the request for cases will primarily focus on cases seen the previous month. An urgent case may be scheduled as needed and case specific MDT meetings may be arranged at the request of any MDT member by contacting the FVCAC.

If no suggestions are received, FVCAC staff will review cases seen the previous month and choose 2 specific cases to be reviewed. Cases chosen will highlight a particularly challenging or unique case, systems or protocol issue, educational opportunity or exemplify positive teaming and/or case outcomes.

Also, an overview of all cases seen at the FVCAC the previous month will be provided with time allowed for a general overview of the monthly case activity to identify any general trends, questions and/or issues.

Notification of Cases to be Reviewed
Team members will be notified via email at least one week prior to the scheduled case review as to what cases are set for review.

Attendees
All professionals serving on the Multidisciplinary/Protocol Development Team are expected to attend the monthly meeting or send a representative from their agency. Specific investigators/service providers involved in a case will be asked to attend the case review portion for their specific case, but are also allowed to attend the remainder of the meeting. If the designated investigator/service provider is not able to attend the case review, another person with adequate knowledge of the case should be present on behalf of that agency.

Case Presentation Guidelines
All MDT members:

- Any and all case or related information including demographics, family, referral, service provision, suspect and other related information.
- Discuss any cultural issues
- Request/suggest resources as applicable

Forensic Interviewers/FVCAC

- Update team on disclosures made/reaction to forensic interview

- Inform team of any pertinent state or national information shared by other FVCACs
- Any case issues, possible resolutions, educational opportunities or successes

Law Enforcement
- Update team as to status of case and alleged maltreater (pending interviews, corroboration, arrests, etc); summery of the allegations
- Inform team of any obstacles impeding investigation (mental health issues, substances abuse issues, inability to locate, etc.)
- Any case issues, possible resolutions, educational opportunities or successes

Department of Health and Human Services
- Update team as to status of investigation, intervention and placement of child; summary of the allegations
- Inform team of any service or intervention obstacles (issues of mental health, substance abuse, family (supportive, not supportive, etc.), housing, disability etc.)
- Any case issues, possible resolutions, educational opportunities or successes

Victim Advocates
- Update team as to status of mental health and service referrals
- Inform team of status of follow-up
- Any case issues, possible resolutions, educational opportunities or successes

Mental Health
- Update team on status of case if known
- Provide any recommendations for service provision
- Any case issues, possible resolutions, educational opportunities or successes

Medical
- Update team as to status and/or outcome of medical exam
- Inform team of any findings, follow-up recommendations, verbal disclosures and any other reactions to the medical exam
- Any case issues, possible resolutions, educational opportunities or successes

District Attorney & Victim Witness
- Update team as to status of case and progress
- Inform team of any obstacles impeding services and/or prosecution
- Any case issues, possible resolutions, educational opportunities or successes

Documentation & Follow Up

Recommendations or action items generated as a result of case review will be communicated in the MDT/Protocol Development Team meeting minutes.

Attachment 1 – Witness to Domestic/Family Violence

Law enforcement has been trained to look for children when responding to domestic violence disturbances. If there are children awake and present, the following three questions should be asked and documented in the report, at a minimum:

1) Where were you?
2) What did you see?
3) What did you hear?

The Outagamie County DA's office will review these reports when received and assess the need for a child witness to be forensically interviewed. If the need for a forensic interview is identified, the Outagamie DA's office will work with law enforcement to coordinate an interview at the Fox Valley Child Advocacy Center. Law enforcement will also contact CPS.

The FVCAC will call Harbor House to provide advocacy for families in this situation. The DVD of the interview will be provided to the Outagamie County DA's office.

A medical evaluation will be offered to the child and his/her caregiver at the time of the forensic interview.

When working with Harbor House, an authorization for the release of information allows open communication with MDT members, the victim and the victim's family, and staff at Harbor House. The preferred release of information form is the form utilized by Harbor House.

Appendix A (25 Mile Radius Map).pdf

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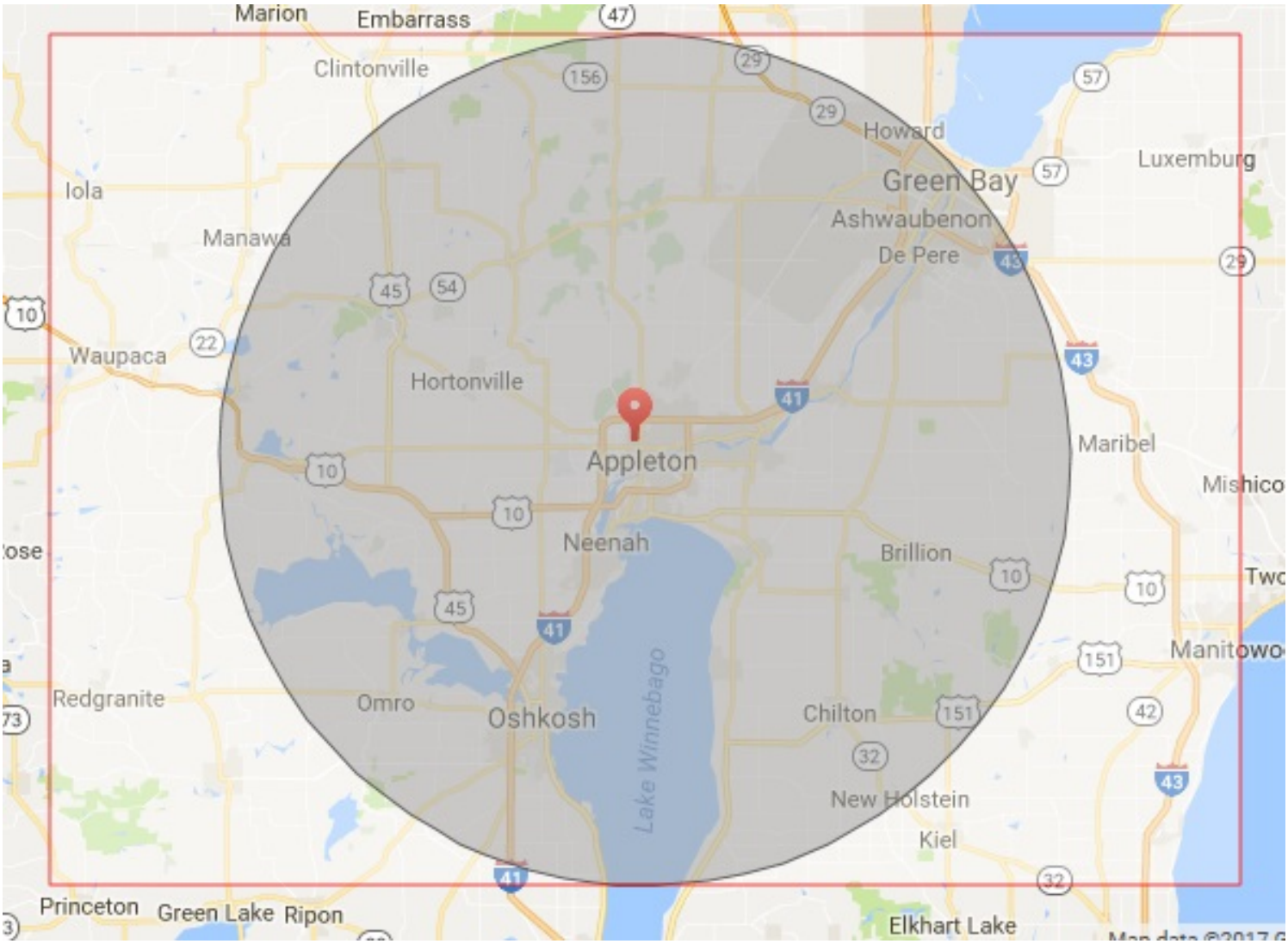
Appendix A

Approximate 25 Mile Radius from Appleton



Evidence Disposition Guidelines.pdf

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Verifying Dispo Information Before Processing

Check for Completion:

- Are all boxes on the dispo filled in? If not, the dispo needs to go back to the supervisor. As of now, we can't just fill those boxes in.
- Is there a supervisor signature? If not, the dispo needs to go back to the supervisor.
- For 2015 and newer cases: Is there an Axon stamp or evidence entry on the dispo? If not, check to see if there is Axon video. If there is, then a stamp needs to be added, and the dispo needs to go back to the supervisor to sign the stamp. If not, then no need to apply the stamp.
- Verify you have CCAP information or other research for each SU listed in a case. We cannot process any evidence until all court cases for a given incident have concluded.
- Verify that the referred charges (report/COTS) are accounted for in CCAP for each SU. If not, check to see if there were any charge modifications that would explain the discrepancy.
- Verify that any related cases have concluded in court. We cannot process any evidence until all court cases for this or related incidents have concluded.
- For items to be returned, is there corresponding owner information? If not, forward to the responsible officer for that information. Make a note in the appropriate system that the dispo was sent to that officer for review.

Check that the Dispo Codes Make Sense:

Most property should be returned to its owner. If something is marked to be destroyed, auctioned, or donated, but there is no apparent reason why it cannot be returned, then we should check with a supervisor to verify if the property can be returned versus destroyed/auctioned/donated. Similarly, if something is marked to be returned to owner, but, given the nature of the case, you feel it should not be, review the report.

- If the item was used in the commission of a crime, it would be considered contraband and therefore could not be returned. If this is the case, there is no need to approach a supervisor. You can simply make a notation on the dispo as to why the item was destroyed versus being returned.
- If a seizure application was filed for the item, verify through CCAP whether a forfeiture was ordered. Get a copy of the judgment and attach to the dispo. Seized money will be turned over to SueAnn Teer for dissemination. Request notice of how the funds were distributed. Seized vehicles will be handled through the SIU supervisor.
- If the item is not contraband and was not ordered to be forfeited by the Court, discuss with a supervisor why you feel the item should not be returned and get approval to process in another manner.

Cases Involving Pawn Shops:

For theft or burglary cases, verify whether pawn shops were involved. If not, then you can process the dispo, assuming no other hold requirements as defined in this list are applicable. If a pawn shop was involved, then they likely have a vested interest in some property and you need to ensure all involved parties are made whole. Contact the appropriate county's victim witness coordinator to determine whether restitution was ordered. If so, get a copy of the order to attach to the dispo and process the evidence accordingly. If the Court did not make a restitution determination, then notify the DA's office as soon as possible so that they can file a motion for modification of a sentence with the Court to determine what is to happen with the disputed property.

In the event there were never criminal charges in a case with disputed property, then anyone claiming a right to the property can file for its return in the appropriate circuit court. Until a civil determination of ownership is made, you cannot release the property.

If a property owner or business files a claim with an insurance company, in most situations, the insurance company will pay the claim, thereby assuming the role of victim. In this situation, the original property owner or business would no longer have a claim to the property. Rather, if the property is ordered to be returned, it would go to the insurance company.

Should a pawn shop provide written notice that they are relinquishing their right to the property, then the item can be returned to the original owner without a court order. The notice should be attached to the dispo.

Open Cases:

Any cases that are open and pending with the DA's office must be held. Extend the review date for all evidence six months and make a notation in the appropriate system as to why we are continuing to hold and where the dispo is placed. (EXAMPLE: *4/10/19: Dispo returned. Hold – open case. Review date extended. Dispo in October hold bin. 9513lka*)

Cases with No Charges:

Hold for Statute of Limitations. If there is a possibility that a suspect may be developed or charges may be brought, these cases can be reviewed again prior to Statute of Limitations. Regardless, extend the review date for all evidence and make a notation in the appropriate system as to why we are continuing to hold and where the dispo is placed. (EXAMPLE: *4/10/19: Dispo returned. Hold for SOL – open case. Review date extended. Dispo in July hold bin. 9513lka*)

- Ordinances: 2 years
- Misdemeanors: 3 years
- Felonies: generally 6 years, though there are exceptions. Most exceptions are for sexual assaults, crimes again children, adultery, and homicide. See the WAI PEMG for a list of the exceptions (pg. 17).

Cases with an Open Warrant:

Any case with an open warrant must be held. Extend the review date for all evidence for another year and make a notation in the appropriate system as to why we are continuing to hold and where the dispo is placed. (EXAMPLE: *4/10/19: Dispo returned. Hold – warrant outstanding. Review date extended one year. Dispo in April hold bin. 9513lka*)

Cases with Declined Prosecution:

Forward dispos to the appropriate DA's office with an Authorization form attached for them to fill out.

APD Evidence Retention Guidelines:

Agency generated electronic media or paper documents must be held following department retention guidelines. (Electronic media and paper documents that are provided as evidence from outside sources such as

witnesses, victims, or businesses are not considered records unless they are attached to an official report in some manner, which means they are not subject to a department's record retention policy.) Any of the following evidence must be retained per policy until the listed amount of time has lapsed, even if other evidentiary items in the case can be disposed of prior to that time.

- Death Investigation Photographs/Film: Hold indefinitely. Photos will be transferred to a Death Investigation folder inside the appropriate year's digital evidence location. Film strips will be maintained in a labeled binder.
- Other Photographs/Film: 7 years from collection date, plus the current calendar year. Until the required hold period is complete, photos should be transferred to an Open Records folder inside the appropriate year's digital evidence location. Film strips will be maintained in a labeled binder. After the required hold is complete, photos/film can be disposed of.
- APD In-Car Video Recordings: Duration of month of collection, plus five months. (All Arbitrator video has now passed this timeframe, so it can be deleted if does not need to be held for another reason.)
- APD Surveillance Recordings (Audio/Video): 121 days from collection date (recorders/cameras held or worn by officers, traffic camera footage)
- APD Surveillance Recordings (Recordings): 121 days from collection date (booking and interview room recordings)

In the event the above listed evidence needs to be retained longer than other case evidence, extend the review date for the affected evidence and make a notation in the appropriate system as to why we are continuing to hold and where the dispo is placed. (EXAMPLE: *4/10/19: Dispo returned. Hold certain evidence for records retention. Review dates extended. Dispo in May hold bin. 9513lka*)

DA Imposed Holds:

- All ordinances must be held for 7 months from the sentencing date. (per ACA Glad)
- All misdemeanor cases must be held for 90 days from the conviction date. (per OCDA)
  Assuming no appeals after the 90 days, misdemeanor evidence can then be disposed of per department policy.
- All felonies must be held for the duration of the entire sentence. (per OCDA)
  This includes any stayed sentences or sentences resulting from a revocation. Submit a Dispo Authorization form to the DA's office investigators after any incarceration periods have been fulfilled. They may be able to authorize release of evidence prior to the completion of the entire sentence. Maintain a record of any authorization to dispose of evidence. If a sentence has already been completed in its entirety (including probation/supervision), there is no need to contact the DA's office. The dispo can be processed per department policy.
- Cases with a combination of felony/misdemeanor/ordinance charges must be held for whatever is the longest hold time.

Cases with Dismissed Charges:

- ***Ordinance Cases***: Per ACA Glad, all dispos with dismissed charges can be processed 7 months after they have resolved. There is no need for them to be reviewed. If that changes, or if there is an exception, we will be notified at that time.
- ***Misdemeanor/Felony Cases***:
  - Dismissed with Prejudice: Dispo can be processed assuming no other hold requirements from this list apply.

- Dismissed or Dismissed without Prejudice: If charges are NOT read in, then the DA's office investigators should be contacted to verify whether evidence needs to be maintained or if it can be disposed of.
- Dismissed and Read In: Verify what the charges were read into. If the dismissed charges were read into other charges in the same case, then the dispo can be processed based on the other charges. If the dismissed charges were read into another case, verify that case is complete and does not have any hold requirements before continuing to process the dispo. If a determination as to why the charges were dismissed cannot be determined, or if there is are any questions, contact the DA's office investigators for direction.
- Dismissed on Court's Own Motion: Contact the DA's office investigators for direction.
- Dismissed on Prosecutor's Motion: Contact the DA's office investigators for direction.

NOTE: If the DA's office investigators are contacted for direction, a written record of any authorization to dispose of evidence should be maintained. This can be in the form of an email or the Dispo Authorization form.

Cases with DPAs:

- Outagamie/Winnebago County: All evidence must be held until the DPA is confirmed complete via CCAP. At that point, any other hold requirements as defined in this list would be applicable, if they exist.
- Calumet County: Dispos can be processed post-sentencing. Verbiage in the CCDA DPA agreement stipulates that the defendant waives the right to require the State to prove the charge at trial. This means the evidence would not be needed if there was a violation of the DPA. That said, any other hold requirements as defined in this list would be applicable, if they exist.

Cases with DNA Evidence:

Per Wis. Stat. §968.205, if there is DNA evidence, or items which may contain probative DNA, then those items must be retained for the entirety of a sentence (including all probation or supervision time) for all persons charged in the case, unless a 90-day letter is sent and no dissenting responses are received. This includes blood kits. For any items that need to be retained, extend the review date and make a notation in the appropriate system as to why we are continuing to hold and where the dispo is placed. (EXAMPLE: *4/10/19: Dispo returned. Hold DNA evidence. Review dates extended. Dispo in September hold bin. 9513lka*)

Additional CCAP Considerations:

- If there are charges that are consecutive in the same felony case, makes sure that you hold all evidence for the total time of incarceration.
- If there are charges that are concurrent or consecutive to another case, or to a sentence currently being served, you must verify the other sentence to determine how long the evidence must be maintained.

Misdemeanor AND Felony Cases:

- Verify there are no appeals on the Wisconsin Supreme Court and Court of Appeals access page. (https://wscca.wicourts.gov/index.xsl)

All Cases:

- Check in the appropriate evidence system to verify there are no applicable notes regarding evidence.

Appendix B - I-918 Supplental B Form.pdf

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APPENDIX B

OMB No. 1615-0104; Expires 07/31/2012

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-918 Supplement B, U Nonimmigrant Status Certification

START HERE - Please type or print in black ink.

For USCIS Use Only.

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

Remarks

Part 1. Victim information.

Family Name | Given Name | Middle Name

Other Names Used *(Include maiden name/nickname)*

Date of Birth *(mm/dd/yyyy)* | Gender ☐ Male ☐ Female

Part 2. Agency information.

Name of Certifying Agency

Name of Certifying Official | Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

Agency Address - Street Number and Name | Suite #

City | State/Province | Zip/Postal Code

Daytime Phone # *(with area code and/or extension)* | Fax # *(with area code)*

Agency Type
☐ Federal ☐ State ☐ Local

Case Status
☐ On-going ☐ Completed ☐ Other: _____

Certifying Agency Category
☐ Judge ☐ Law Enforcement ☐ Prosecutor ☐ Other: _____

Case Number | FBI # or SID # *(if applicable)*

Part 3. Criminal acts.

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. *(Check all that apply.)*

☐ Abduction	☐ Female Genital Mutilation	☐ Obstruction of Justice	☐ Slave Trade
☐ Abusive Sexual Contact	☐ Hostage	☐ Peonage	☐ Torture
☐ Blackmail	☐ Incest	☐ Perjury	☐ Trafficking
☐ Domestic Violence	☐ Involuntary Servitude	☐ Prostitution	☐ Unlawful Criminal Restraint
☐ Extortion	☐ Kidnapping	☐ Rape	☐ Witness Tampering
☐ False Imprisonment	☐ Manslaughter	☐ Sexual Assault	☐ Related Crime(s)
☐ Felonious Assault	☐ Murder	☐ Sexual Exploitation	☐ Other: *(If more space needed, attach seperate sheet of paper.)*
☐ Attempt to commit any of the named crimes	☐ Conspiracy to commit any of the named crimes	☐ Solicitation to commit any of the named crimes	

Part 3. Criminal acts. *(Continued.)*

2. Provide the date(s) on which the criminal activity occurred.

Date *(mm/dd/yyyy)*	Date *(mm/dd/yyyy)*	Date *(mm/dd/yyyy)*	Date *(mm/dd/yyyy)*

3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States? ☐ Yes ☐ No

   a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute? ☐ Yes ☐ No

   b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

   c. Where did the criminal activity occur?

5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.

6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

Part 4. Helpfulness of the victim.

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in **Part 3**. ☐ Yes ☐ No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. *(Attach an explanation briefly detailing the assistance the victim has provided.)* ☐ Yes ☐ No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. *(Example: prosecution is barred by the statute of limitation.) (Attach an explanation.)* ☐ Yes ☐ No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. *(Attach an explanation.)* ☐ Yes ☐ No

Part 4. Helpfulness of the victim. *(Continued.)*

5. Other, please specify.

Part 5. Family members implicated in criminal activity.

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? ☐ Yes ☐ No

2. If "Yes," list relative(s) and criminal involvement. *(Attach extra reports or extra sheet(s) of paper if necessary.)*

Full Name	Relationship	Involvement

Part 6. Certification.

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2. **Date** *(mm/dd/yyyy)*

Training Guidleline Appendix B.pdf

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APPENDIX B

Appleton Police Department
In-service Training

Appleton Police Department In-Service Training Lesson Plan Approval

TO: Assistant Chief

FROM:

DATE:

TOPIC:

Training Lesson Plan

TRAINING (check all that apply)	☐ DAAT	☐ Simunitions	☐ EVOC	☐ Vehicle Contacts
	☐ SWAT	☐ Crisis Negotiator	☐ ALERRT	☐ First Aid
	☐ ID Tech	☐ K9	☐ Investigations	☐ Legal Update
	☐ Sniper In-Service	☐ Firearms	☐ Report Writing	☐ Less Lethal
	☐ Tactical Response	☐ Other:		

REQUIRED UPDATE ◯ Yes ◯ No

SOURCE (If Yes Above)	☐ Department Policy	☐ Training & Standards	☐ Other:

REQUIRED FREQUENCY OF TRAINING	☐ Monthly	☐ Semi-Annual	☐ Annual	☐ Bi-Annual
	☐ Other:			

* ***Lesson plans need to be signed by the Assistant Chief a minimun of two weeks prior to training.***

Instructor(s):

Location:

Date:

Total Hrs: Start Time: End Time:

Teaching Techniques:

Training Objectives:

- Attach an **outline** and **all handouts** for the course
- If applicable, submit examination materials used and results

Instructor Signature: _____ Date: _____

Training Coordinator Approval Section

Training Coordinator's Signature: _____ Date: _____

Assistant Chief Approval Section

Assistant Chief's Signature: _____ Date: _____

Approved: ☐ Yes ☐ No

Comments: _____

_____

_____

Training Guideline Appendix A.pdf

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APPENDIX A

LESSON PLAN PREPARATION

A. All in-service training shall require a lesson plan prepared in the format exhibited in Appendix B.

B. Lesson plans shall include the following:

1. Course specifics:

    a. Topic of instruction
    b. Training techniques (in-house training)
    c. Name of instructor(s)
    d. Location of training
    e. Training date(s), times, and duration
    f. References used

2. Teaching techniques (lectures, group-discussion, lecture-demonstration, panel, etc.):

    a. Field experiences (operational experiences, observations)
    b. Presentation techniques (lecture, lecture-discussion, lecture demonstration)
    c. Problem solving (as reviewed by the Assistant Chief)
    d. Simulations (case study and/or role play)

3. Consideration should be given to the relationship of the training to job tasks.

4. Student Performance Objectives

    a. Focus on job descriptions for which the training is required
    b. Provide clear statements of what is to be learned
    c. Indicate any skills that must be demonstrated
    d. Relate training to expected job performance

C. Lesson plans shall be submitted to, and approved by, the Assistant Chief prior to the training date.

One-to-one Vehicle Restricted Area Map.pdf

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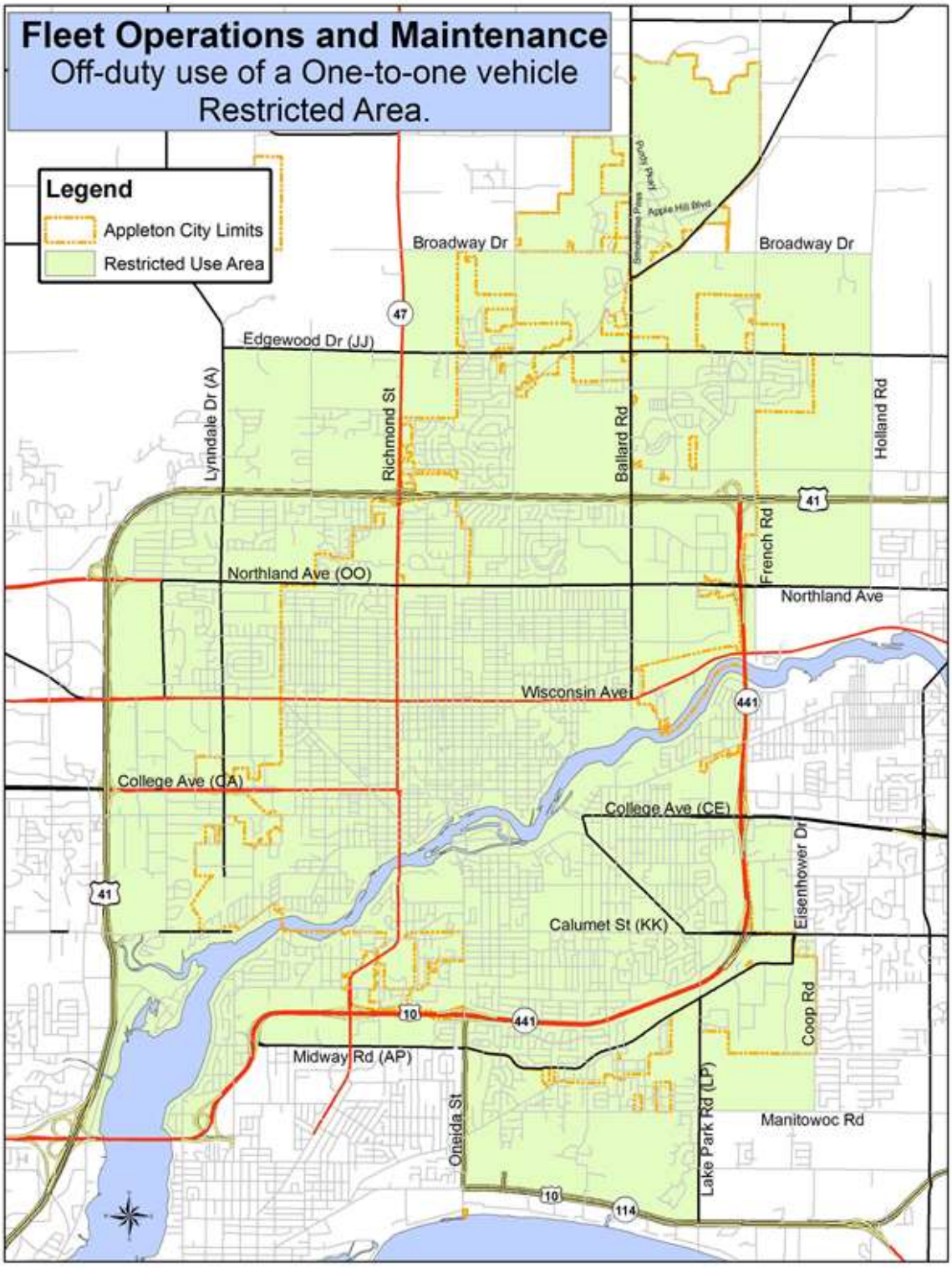
Fleet Operations and Maintenance
Off-duty use of a One-to-one vehicle Restricted Area.
Legend
Appleton City Limits
Restricted Use Area
Broadway Dr
Broadway Dr
Edgewood Dr (JJ)
Lyndale Dr (A)
Richmond St
Ballard Rd
Holland Rd
French Rd
Northland Ave (OO)
Northland Ave
Wisconsin Ave
College Ave (CA)
College Ave (CE)
Eisenhower Dr
Calumet St (KK)
Midway Rd (AP)
Oneida St
Lake Park Rd (LP)
Coop Rd
Manitowoc Rd
47
41
441
10
114

Case Management for Officers.pdf

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Case Management for Officers

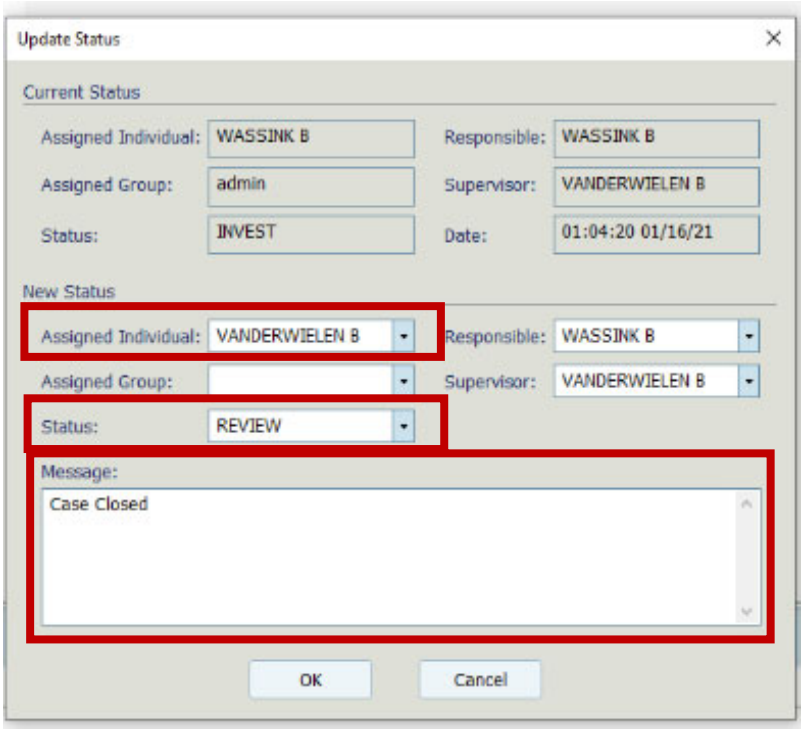
When a case management is received, this is a visual indicator that you have an investigation that needs further investigation. There is nothing specific that needs to be done on your end with the case management until the investigation is entirely complete.

Complete reports and supplements as normal sending those to APATSUP/AINVESTSUP for review.

Once your investigation is entirely done:

1. Select the appropriate case management and click “Update Approval.”
2. Put your supervisors name in the “Assigned Individual” box, and make sure the “Status” is listed as “REVIEW.”
3. Insert a message that case is closed, cleared by arrest, inactive, etc.
4. Click OK.

Your supervisor will review the case. They will either close out the case management/approval or they will send it back to you for further investigation.



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