

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Palmyra 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 PALMYRA POLICE DEPARTMENT

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

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

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION

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

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

An officer may also enforce any law or ordinance that he/she is otherwise authorized to enforce by arrest or issuance of a citation anywhere in the state when in fresh pursuit or on the entire width of any highway that is a boundary of Palmyra 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)).

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While engaged in enforcement action outside the jurisdiction of the Palmyra 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

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

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

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

100.4.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE

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

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

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

Otherwise, an officer of the Palmyra 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.

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100.8 JURISDICTIONAL BOUNDARIES

The Patrol Chief or the authorized designee should be responsible for developing and maintaining jurisdictional boundary maps, ensuring that the maps are provided to all new members and that the maps are readily available to all members in patrol briefing areas and Dispatch.

100.8.1 GEOGRAPHIC BOUNDARIES

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

100.8.2 CONCURRENT JURISDICTION

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

VILLAGE OF PALMYRA POLICE DEPARTMENT POLICY		
300-Use of Force		
Date: 01-10-2024	Supersedes: All Previous	Review Date: 01-2025
WILEAG: Chapter 5		Standards: 1.7.1, 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 12.1.3

I. PURPOSE

The purposes for which a police officer is legally entitled to use force are few. Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations: to achieve and maintain control of resistive subjects, to detain persons reasonably suspected of criminal behavior, to make lawful arrests, to defend themselves or others, and to prevent escape. Guidelines regarding how, when, and to what degree officers may use the various methods or types of force with which they are provided is the purpose of this **Policy**. The contents of this **Policy** will be the subject of annual training. All sworn personnel shall be issued copies of and be instructed in this General Order before being authorized to carry a firearm.

This policy is for departmental use only and does not apply in any civil or criminal proceeding. The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

II. POLICY

This policy is intended to adhere to all applicable federal, state and local laws to include, but not limited Wisconsin State Statute 175.44. It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control while protecting the lives of the officer and others. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

An officer's intentional use of deadly force against a subject is justified only when the subject exhibits behavior which has caused or imminently threatens to cause death or great bodily harm to the officer or another person or persons. This also includes the use of deadly force to affect the capture or prevent the escape of a suspect whose freedom is reasonably believed to represent an imminent threat of great bodily harm or death to the officer or other persons. A "fleeing felon" cannot be presumed to pose an imminent threat to life of others unless he has demonstrated his dangerousness through recent acts, threats, recklessness, or wanton disregard for human life and the safety of others. **In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.**

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III. DEFINITIONS

This Department has adopted the Defensive and Arrest Tactics System (DAAT) which has been adopted by the State of Wisconsin-Department of Justice-Bureau of Training and Standards. This system of verbalization skills coupled with physical alternatives is the approved Department response for officers to gain voluntary compliance and control. There are circumstances when an officer will have to use physical force to achieve control in order to accomplish his/her legitimate law enforcement objective.

- A. **Law Enforcement Officer:** Means 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 and sworn to enforce. Referred to as “officer” in this policy.
- B. **Objectively Reasonable:** The standard by which many actions of a police officer are judged: Would an officer’s actions be judged appropriate from the perspective of a reasonable officer at the scene with similar training and experience based on the totality of circumstances and the information known to the officer at that time?
- C. **Use of Force Justification/Standard:** A law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including: 1) The severity of the alleged crime at issue; 2) Whether the suspect poses an imminent threat to the safety of law enforcement officers or others; 3) Whether the suspect is actively resisting or attempting to evade arrest by flight.
- D. **Non-Physical Force:** the officer's use of physical presence and/or dialogue. This is the least amount of force available to an officer and does not cause physical contact with a subject.
- E. **Less than Deadly Force:** the use of weapons or actions in such a manner not designed or likely to cause death or great bodily harm. This would include both Control Alternatives (to overcome passive resistance, active resistance, or their threats) and Protective Alternatives (to overcome continued resistance, assaultive behavior, or their threats).
- F. **Choke Hold:** a physical maneuver or technique that restricts an individual’s ability to breathe for the purpose of incapacitation.

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- G Deadly Force: the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- H. **Deadly Force Justification/Standard:** A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.
- I. Great Bodily Harm (§ 939.22(14), Wis. Stats.): bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- J. Warning Shot: the intentional discharge of a firearm for the purpose of warning or seeking compliance from an individual, but not intended to cause physical injury.

IV. **DISTURBANCE RESOLUTION**

The Disturbance Resolution concept prescribed by the Wisconsin Department of Justice Law Enforcement Standards Board is adopted as the model of how officers should deal with situations in which they must intervene to resolve a disturbance. Contained within the Disturbance Resolution are Intervention Options which address an officer's use of force.

V. **SPECIAL GUIDELINES ON THE USE OF FORCE**

- A. Control and Protective Alternatives
 - 1. Controlling a subject by verbal techniques alone is not always possible. Sometimes physical intervention is required. Nevertheless, whenever possible, an officer must integrate verbalization with the use of physical intervention options. Doing so will help the officer to communicate effectively with the subject, other officers, others involved, and witnesses observing the officer's actions.
 - 2. Officers may exercise the use of less-lethal weapons as may be appropriate to assist with the control of subjects consistent with **Policy 303**.

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3. Officers may exercise the use of a Conducted Electrical Weapon (CEW) as may be appropriate to assist with the control of subjects consistent with **Policy 304**.
4. Choke holds are prohibited except in situations where the use of deadly force is allowed by law.

B. Diversionary Devices

Diversionary devices are used primarily in dealing with unruly crowds and armed barricaded subjects when negotiations have failed. As a normal course of business, diversionary devices will not be used without supervisory permission and shall be consistent with **Policy 303**.

C. Special Weapons and Tactics team (S.W.A.T.)

Special Weapons and Tactics team personnel may be called upon to use the planned use of deadly force to effectively end critical incidents such as hostage and barricaded subject situations. Authority for the planned use of offensive deadly force must come from the Chief of Police or the ranking officer authorized to act in the Chief's absence. Generally, this use of force option will be authorized only after other efforts have failed and/or it appears likely that failure to utilize this level of force will result in further loss of life, great bodily harm, or the escape of a dangerous fleeing felon.

D. Discharge of Firearms

If an officer determines that he/she is facing a threat that meets the requirements to permit a deadly force response, the officer must rely on his/her firearms training. Circumstances permitting, and when reasonably practical, officers should identify themselves as law enforcement officers and give verbal warning of their intent to use deadly force. A police officer is generally not justified in using his firearm to fire a warning shot. If the decision is made to fire a warning shot, it will be the officer's responsibility to justify the action. Extreme caution and consideration must be taken when shooting at or from a moving vehicle.

E. Juveniles

1. No distinction shall be made relative to the age of the intended target of deadly force.
2. When employing less than deadly force against juveniles, an officer should consider the age, physical strength, size, actual threat posed, and limited legal basis for detaining or taking custody of juveniles.

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F. Destruction of Animals

1. Officers may use deadly force to destroy an animal that represents a threat to themselves and/or public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. All officers shall use extreme care when shooting at standing or moving animals to prevent injury to persons or damage to property behind or near the animal.
3. Consideration should be given to requesting assistance from another agency responsible for the disposal of animals such as the Jefferson County Humane Society or DNR.

G. Distinction Between Weapon and Equipment

1. Definitions for the purpose of this section:
 - a. "Weapon" is defined as an instrument whose primary purpose is striking or otherwise causing an altered physical condition which diminishes or removes the ability to resist. Examples of weapons include firearms, a baton, and chemical agents.
 - b. "Equipment" is defined as a tool, the primary purpose of which is indicated by design, and intended to be used only to assist an officer in performing his/her duties. Examples of equipment include handcuffs, squad car, radio, and flashlight.
2. Equipment shall not be used to strike people except as a last resort in extreme circumstances when the use of a weapon is justified, and none is immediately or reasonably available to the officer.

H. Termination of Use of Force

When an officer believes it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate.

I. Duty to Intervene

Every officer shall, without regard for chain of command (on or off duty) intervene to prevent or stop another law enforcement officer from using force that does not comply with the standards if all of the following apply:

1. The officer(s) observes the use of force that does not comply with the

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standards for the justification for the use of force or deadly force as explained in this policy and;

- 2. The circumstances are such that it is safe for the officer to intervene. There are special considerations for an off-duty officer to assess whether it is safe to intervene:**
 - a. Is the officer in his or her jurisdiction or otherwise known by the on-duty officers?**
 - b. Is the officer in uniform, properly equipped or otherwise immediately identifiable as a law enforcement officer?**
 - c. Is the observed use of force in the context of an ongoing tactical situation?**
 - d. Is the officer's intervention likely to escalate the situation?**
- 3. The officer or officers who intervenes shall report the intervention to his or her immediate supervisor or Chief as soon as is practicable after the occurrence of the use of such force.**

J. Emergency Medical Assistance

Any involved officer shall, when safety permits, immediately determine the physical condition of any injured person and render basic first aid, request emergency medical services and/or arrange for transportation to a medical facility.

K. Training

Prior to being permitted to carry and/or authorized to use a weapon (including lethal, less lethal, conducted electronic weapon, and oleoresin capsicum spray), officers will be issued copies of and instruction/training on all related policies and weapons. Furthermore, officers will be required to demonstrate both knowledge of these policies and proficiency with the respective weapon(s). This will include **de-escalation techniques**, follow-through considerations and appropriate medical aid afterwards.

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VI. REPORTING REQUIREMENTS

- A. The following use of force actions require officers to notify the Sergeant as soon as practical. The Sergeant is then required to submit a Use of Force Report via the chain-of-command to the Chief of Police describing the incident, documenting the force used, and any medical attention rendered:
 1. The use of force of a compliance hold or greater.
 2. The pointing and aiming of either a firearm or CEW.
 3. Multiple officers physically struggling with a subject.
 4. Actions of an officer(s) resulting in injury to any officer/person.
- B. Incidents involving the application of force against another person require a standard incident report. This report shall contain sufficient information to justify the use of force and document actions used to gain compliance and/or control of the person. If an actual or claimed injury occurs to any involved person, first aid or medical attention provided for the injured person must be noted in this report. Officers shall follow the provisions of Wisconsin State Stats. 940.291 by rendering first aid and/or medical assistance to injured persons in police custody.
- C. Incidents involving the use of force against an animal, including humane destruction, require a standard use of force report explaining the circumstances and justifying the actions taken.
- D. The accidental or intentional discharge of a department firearm (other than during approved range training) where no person is injured requires a detailed Special Report by the Sergeant to be forwarded to the Chief of Police as soon as practical and in any event prior to the supervisor going off-duty.
- E. This agency will participate in the National Use-of-Force Data Collection program of the U.S. Department of Justice/Federal Bureau of Investigation. The program requests that use of force incidents that meet any of the following criteria be reported:
 1. When a fatality occurs to a person in connection to use of force by a law enforcement officer.
 2. When there is serious bodily injury to a person in connection with use of force by a law enforcement officer.
 3. In the absence of either death or serious bodily injury, when a firearm is charged by a law enforcement officer at or in a direction of a person.

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The definition of serious bodily injury is based, in part, on 18 United States Code 2246(4). The term ‘serious bodily injury’ means bodily injury that involves the substantial risks of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

4. National Use-of-Force Data Collection program data will be submitted on a monthly basis through the Wisconsin Traffic and Criminal Software (TraCS) on a monthly basis. Submissions will be made even if there are zero qualifying Use-of-Force events which are called Zero Reports.

F. Reporting Noncompliant Use of Force

Every officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the standards for use of force in the course of their official duties shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of such force *(If three officers witness the noncompliant use of force, all three officers are statutorily required to report this)*.

- 1) **The observing officer(s) shall report this as soon as practicable to the Sergeant.**
- 2) **This shall be reported as soon as practicable, no later than the officer’s end of the shift. The officer is required to explain the circumstances to include the reason(s) the officer believed the use of force to be non-compliant.**
- 3) **The Sergeant shall interview the officer to ascertain the specifics to include date/time, location, involved persons and other details as needed. A special report will be created detailing the information on the noncompliant use of force addressed to the Chief of Police. This report shall be forwarded to the Chief of Police immediately.**
- 4) **The Chief of Police will review the special report to determine any additional actions to include remedial training, department-wide training, internal investigation, or any other actions deemed necessary.**
- 5) **No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise**

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discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, intervened to prevent or stop; participated in testifying or participated in any way with regards to reporting noncompliant use of force.

Approved:

Scott D. Pavlock

Chief of Police/Public Safety Director

ATTACHMENT A

DISTURBANCE RESOLUTION

(First approved by the Law Enforcement Standards Board on March 2002 and revised December 2020)

1) APPROACH CONSIDERATIONS

A.	Decision-Marking	Justification Desirability
B.	Tactical Deployment	Control of Distance Relative Positioning Relative Positioning with Multiple Subjects Team Tactics
C.	Tactical Evaluation	Threat Assessment Opportunities Officer/Subject Factors Special Circumstances Level/Stage/Degree of Stabilization

2) INTERVENTION OPTIONS

<u>MODE</u>	<u>PURPOSE</u>
A. Presence	To present a visible display of authority
B. Dialogue	To verbally persuade
C. Control Alternatives	To overcome passive resistance, active resistance, or their threats
D. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	To stop the threat

3) FOLLOW-THROUGH CONSIDERATIONS

A.	Stabilize	Application of restraints, if necessary
B.	Monitor/Debrief	
C.	Search	If appropriate
D.	Escort	If necessary
E.	Transport	If necessary
F.	Turn-Over/Release	Removal of restraints, if necessary

PALMYRA POLICE DEPARTMENT POLICY		
305 – Officer-Involved Shootings and Deaths		
Date: 01-10-2024	Supersedes: All Previous	Review Date: 01-2025
WILEAG: Chapter 1		Standards: 1.4.4.3

I. PURPOSE

The purpose of this policy is to provide guidelines for the investigation of officer-involved shootings and other serious incidents, as defined herein.

II. POLICY

It is the policy of this agency that officer-involved shootings and other serious incidents be investigated to determine whether the actions of involved officers conform to applicable law and agency rules, policies, procedures, and training.

III. PROCEDURES

The following procedures are tailored to address an officer-involved shooting. However, the general guidelines and principles can be used when investigating any serious incident.

Officers involved in an officer-involved shooting shall, to the degree reasonably possible, take initial steps to ensure that any threat from the subject has been eliminated, protect the safety of themselves and others, render first aid where necessary, and preserve evidence.

A. Incident Command (IC) Responsibilities

The IC shall be responsible for ensuring that standard incident response protocols have been implemented. In addition, the IC shall ensure that the following tasks are addressed, if not previously completed.

1. Any remaining threats are identified, and necessary action is taken.
2. The physical condition of the involved officer(s), subject(s), and third parties is determined, emergency first aid is provided, if necessary, and emergency medical assistance is summoned.
3. A brief public safety statement is taken, preferably by a supervisor, individually from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer-involved shooting. Information obtained should include, where appropriate,
 - a. type of force and weapons used.
 - b. direction and approximate number of shots fired by involved officer(s) and subjects.
 - c. location of injured persons.
 - d. description of at-large subjects and their direction of travel, time elapsed since the subjects were last seen, and any weapons.
 - e. description and location of any known victims or witnesses.

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- f. description and location of any known evidence; and
 - g. any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large subjects.
- 4. All necessary agency notifications are made, such as those to the
 - a. Public Safety Director/Chief of Police.
 - b. Sergeant.
 - c. lead investigator/officer-involved shooting investigation team.
 - d. office of professional standards personnel.
 - e. evidence/field technicians.
 - f. public information officer.
 - g. coroner or medical examiner.
 - h. legal advisor and/or prosecutor; and
 - i. agency chaplain, labor representative, mental health professional, and peer support program coordinator.
- 5. An adequate inner perimeter is established.
- 6. An outer perimeter is established to prevent anyone from entering except those who have a specific function to perform.
- 7. A media staging area is identified beyond the outer perimeter, and it is appropriately staffed.
- 8. A command post is established when it appears that an extended on-site investigation will be necessary.
- 9. An officer is appointed to serve as a “recorder,” with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene and actions taken by law enforcement or other official personnel.
- 10. Photographs are taken as soon as possible of the involved officer(s) as they appear at the scene, to include any injuries sustained.
- 11. Involved officer(s) are directed not to discuss any aspects of the shooting among themselves or with others, with the exception of their attorney, qualified mental professional, or authorized investigative personnel.
- 12. Involved officer(s) are separated and removed from the immediate scene and assigned a companion officer to ensure the physical needs of the involved officer(s) are met and that no statements regarding the incident are made.
- 13. All potential witnesses are identified and separated and asked to remain on hand to provide a statement. If witnesses wish to leave and there is no legal obligation to detain them, officers should obtain their contact information for future communications.

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14. If equipment is available, video recordings are made of the entire incident scene and those present, including witnesses and bystanders.
15. Determinations are made whether video recordings were made by in-car cameras; body-worn cameras; electronic control weapons; and agency, business or private surveillance cameras and that they have been secured as evidence as soon as reasonably possible.
16. Available information is collected about the subject and law enforcement actions from witnesses at the scene.
17. Any clothing or other personal items that may have been discarded or removed from subjects or involved officer(s) by medical personnel are located and secured as evidence.
18. The involved officer(s) weapon(s) is located and secured—or secured in place—and expended ammunition casings are marked.
19. The firearms and other weapons of involved officer(s) are physically checked for evidence of a discharge. Weapons that were fired shall be secured as evidence, and primary service firearms shall be replaced by a similar firearm as soon as reasonably possible.
20. Where applicable, weapons, ammunition, and expended cartridges used by the subject are located and secured in place.
21. The position(s) of the involved officer(s) and the subject at the time of the shooting are determined and marked.
22. All expended bullets are accounted for. This may include examining walls or other structures and determining if there are any additional victims who may require medical treatment.
23. If an involved officer is transported to the hospital, someone, such as a companion officer or peer support personnel, accompanies or meets them there.
24. If the involved officer is incapable of calling, another agency member notifies the involved officer's immediate family as soon as possible and in person, when reasonably possible. The notification should provide the family members with basic information on the status of the involved officer and when and where they will be able to see the officer.

B. Lead Investigator Responsibilities

Whenever possible, the lead investigator shall do the following:

1. Receive a briefing from the IC.

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2. Confirm that the public safety statement has been collected.
3. Confirm that all items of potential evidentiary value are identified and properly collected.
4. Obtain audio- and/or video-recorded preliminary statements from subjects and witnesses.
5. Canvas the immediate area for potential witnesses who have not come forth and obtain information or statements as available.
6. Obtain search warrants for any vehicles, containers, homes, or vehicles as may be necessary.
7. Where possible, audio- or video-record interviews with emergency medical personnel, fire department personnel, and first responding officers regarding conditions at the incident scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
8. Collect information regarding the subject, where appropriate, to include
 - a. information provided by the reporting party.
 - b. involved officer observations of the subject's behavior in the course of the interaction.
 - c. whether others indicated that the subject had been consuming alcohol, using drugs, or both.
 - d. whether the subject had been involved with law enforcement on prior occasions.
 - e. the subject's proximity to weapons and whether or not the subject was threatening to use them; and
 - f. whether the subject was visibly injured in any way when law enforcement arrived and what, if any injuries were sustained during the interaction with officers.
9. Gather information regarding the response to the call, to include, where applicable,
 - a. the number of involved officer(s) present.
 - b. the relative age, size, strength, and physical ability of the involved officer(s) compared to the subject(s) involved.
 - c. experience and training of the involved officer(s).
 - d. force options available to the involved officer(s).
 - e. basis for subject contact, to include seriousness of offense, if any.
 - f. potential for injury to the public, involved officer(s), or subject(s).
 - g. risk of escape of the subject.
 - h. degree and length of time of subject resistance.
 - i. means used to control or restrain subject.
 - j. legal basis for use of force or custody.
 - k. the behaviors and reactions of the subject once detained or in custody.
 - l. whether emergency medical services was called and, if so, at what point.

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- m. If the subject was seriously injured or admitted to a medical facility:
 - i. What was the nature and severity of the injuries?
 - ii. Were the injuries consistent with the incident as described by the involved officer(s)?

10. In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy.

11. Prepare a summary report regarding the nature of the officer-involved shooting and include the involved officers' use-of-force reports, where applicable, for submission to the chief executive officer.

C. Administrative Investigation

The goal of the administrative investigation is to determine whether violations of agency policy, procedures, rules, or training occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedures, or training considered.

1. Criminal investigators shall not be present during administrative questioning, and any information gained as a result of administrative interviews cannot be shared with criminal investigators.
2. All interviews should be audio- and preferably video-recorded.
3. Investigators shall be trained in and take into account symptoms of post-traumatic stress during involved officer interviews, such as time and space distortions, confusion, and hearing and visual distortions associated with recalling details of the incident, as well as emotional impairment during questioning.
4. As appropriate, involved officers who discharged their weapons or used deadly force should be placed on mandatory leave with pay or on administrative assignment.

D. Training

All officers should receive initial and regular training regarding:

1. Agency policy and applicable laws regarding the investigation of officer-involved shootings.
2. Potential negative emotional, psychological, and physical reactions following officer-involved shootings and related available resources; and
3. What to expect following an officer-involved shooting.

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Approved:

Scott D. Pavlock
Chief of Police

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307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law (Wis. Stat. § 346.03(6); Wis. Admin. Code § LES 3.07).

Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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

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

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

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

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

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

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

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

307.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with the visible signal of at least one flashing, oscillating or rotating red light, or a blue and red light, and also an audible signal by means of a siren or exhaust whistle activated on an authorized emergency vehicle (Wis. Stat. § 346.03(3)).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (Wis. Stat. § 346.03(5)).

307.3.1 WHEN TO INITIATE A PURSUIT

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

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

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

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- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (Wis. Stat. § 346.03(6)).

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit.

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.

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- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

307.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect or suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

307.4.1 MOTORCYCLE OFFICERS

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

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.

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- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

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

307.4.5 PURSUIT DRIVING TACTICS

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat. § 346.03(2)).
- (c) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an available air unit.

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2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 3. Requesting other units to observe exits available to the suspect.
- (e) Notifying the Wisconsin State Patrol or other law enforcement agencies ies y if it appears the pursuit may enter their jurisdiction.
 - (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

307.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

307.4.7 PURSUIT TRAILING

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

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

307.4.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

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

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307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

307.5.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

The supervisor shall review all pertinent reports for content and forward them to the Chief of Police.

307.6 COMMUNICATIONS

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

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307.6.1 DISPATCH RESPONSIBILITIES

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

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

307.6.2 LOSS OF PURSUED VEHICLE

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

307.7 INTERJURISDICTIONAL CONSIDERATIONS

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

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

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pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

307.8 PURSUIT INTERVENTION

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

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

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Any force-to-stop technique is considered deadly force, and justification for an officer's use of deadly force is behavior that presents an imminent threat of death or great bodily harm to officers or others. Force-to-stop techniques give the driver only two options, surrender or crash. As a result, the courts consider force-to-stop techniques to be an application of deadly force. The techniques include:

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

307.8.1 WHEN USE IS AUTHORIZED

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

307.8.2 USE OF FIREARMS

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

307.8.3 INTERVENTION STANDARDS

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

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

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(c) Roadblock with escape route:

1. The goal is to leave the driver with only one available route to travel, by blocking off alternatives.
2. The number of officers required depends on the number of alternative routes that must be blocked.
3. The same guidelines apply with respect to providing sufficient warning and adequate distance for the driver to avoid the blocked-off road and choose the preferred route. As with a roadblock with escape route, other traffic should be kept out of the area.

(d) Moving roadblock (boxing-in):

1. The suspect vehicle should be surrounded by three patrol units - one in front, one in back, and one to the side (just behind the driver door).
2. Once in position, the vehicles gradually slow, bringing the suspect vehicle to a safe, gradual stop.
3. Achieving and maintaining the formation requires careful communication, as does coordinating the slowing down.
4. Because the actions of the suspect cannot be controlled, this is a high-risk maneuver. There is considerable potential for the technique to go wrong and result in a crash. If the suspect displays a weapon or if one is used in the suspect vehicle, the technique should not be used, or it should be aborted if officers are attempting to set up this technique.

(e) Roadblock with escape route:

1. The roadblock should be set up on a straight, level stretch of roadway with adequate sight distance to give the suspect time to stop.
2. If possible, other traffic should be diverted away from the location.
3. Emergency lights must be turned on and visible, to warn the suspect (and any other motorists) of the roadblock in time to stop.
4. The roadway can be blocked with law enforcement vehicles (with emergency lights on), traffic cones, flares, and/or other barricades.
5. The escape route should be obvious.

(f) Pursuit Intervention Technique (PIT):

1. The pursuing officer should position the patrol unit so that its front corner is next to the suspect vehicle's rear corner.
2. The officer should match speed with the suspect, making gentle contact between the vehicles, and then steer the patrol unit into the suspect's vehicle.
3. This maneuver should cause the suspect vehicle to spin, while the officer is able to maintain control of their patrol unit.
4. PIT is a specific technical maneuver that requires officer certification and advanced practical training before use.

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

307.8.4 CAPTURE OF SUSPECTS

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

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

307.9 REPORTING AND REVIEW REQUIREMENTS

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

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit in distance and time
 3. Involved units and officers
 4. Initial reason and circumstances surrounding the pursuit
 5. Starting and termination points
 6. Alleged offense, charges filed, or disposition: arrest, citation, or other release
 7. Arrestee information should be provided if applicable

Palmyra Police Department
Policy Manual

Vehicle Pursuits

8. Injuries and/or property damage
 9. Medical treatment
 10. The outcome of the pursuit
 11. Name of supervisor handling or at the scene
 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Chief of Police or the authorized designee shall direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification, and training needs (Wis. Stat. § 346.03(6)).
- (f) The Administrative Assistant shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
1. The circumstances of the vehicle pursuit, including the distance, location, and maximum speed.
 2. The reasons for initiating the vehicle pursuit.
 3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

307.9.2 POLICY REVIEW

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

Approved  01-10-2024


PALMYRA POLICE DEPARTMENT POLICY		
310 – Domestic Violence		
Date: 01-10-2024	Supersedes: All Previous	Review Date: 01-2025
WILEAG: Chapter 6		Standards: 6.3.9

I. PURPOSE

It is the purpose of this Policy to prescribe preliminary courses of action police officers should take in response to domestic violence incidents; to establish a means to be in compliance with the Wisconsin Domestic Abuse Law, to enforce that law, and to protect and support persons who are victims under this law.

II. INTRODUCTION

The Palmyra Police Department maintains that the nature and seriousness of crimes committed between family/household members are not mitigated solely because of the relationships or living arrangements of those involved. It is the policy of this Department that domestic violence be treated with the same consideration as violence in other enforcement contexts and, consistent with this policy, that officers combine the use of appropriate community services with enforcement of the law to (1) break the cycle of domestic violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, and (3) promote officer safety when dealing with domestic abuse situations.

III. DEFINITIONS

In the context of this **Policy**, the following definitions apply:

- A. Domestic Abuse: any of the following conduct engaged in by an adult person against his/her spouse or other family member, former spouse, an adult with whom the person has created a child, against an adult with whom the person resides or formerly resided, or with whom there exists a domestic abuse Temporary Restraining Order/Injunction:
1. The intentional infliction of physical pain, physical injury, or illness.
 2. The intentional impairment of a physical condition.
 3. A first, second, or third-degree sexual assault.
 4. A physical act that may cause a person to reasonably fear an imminent engagement in these forms of abuse.

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- B. Predominant Aggressor: the person who is the most significant, but not necessarily the first, aggressor in a domestic abuse incident.

IV. POLICY

- A. It is the policy of this Department that police officers shall arrest persons who are the predominant aggressors in incidents of domestic abuse.
- B. It is also the policy of this Department to pursue charges against arrested persons with crimes prohibited by Wisconsin State Statutes through the Jefferson County District Attorney, not through the Palmyra Village Prosecutor.
- C. Additional policy of this Department is to provide support and assistance to any victim of domestic abuse. This includes, but is not limited to, a referral to a domestic abuse crisis center, contact with the Crisis Center, and assistance with transportation to a temporary shelter or other accommodations.

V. OPERATIONAL GUIDELINES

- A. Telecommunicators will obtain all available information from the reporting person when they are notified of a domestic abuse incident. This information should include, at a minimum:
 - 1. Names of reporting person(s).
 - 2. Names and relationships of persons involved.
 - 3. Addresses and telephone numbers.
 - 4. Involvement or availability of weapons.
- B. If possible, telecommunicators will maintain telephone contact with the reporting person until officers arrive.
- C. Domestic Abuse incidents will be dispatched immediately with telecommunicators providing officers with sufficient information so as to assign appropriate priority to their response.
- D. Whenever possible, a minimum of two officers should be sent to domestic conflict calls and responding officers should take appropriate steps to protect themselves and others.

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- E. An officer shall arrest and take a person into custody when he/she has probable cause to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime; and any of the following circumstances are present (per WI § 968.0785(2)).
1. The officer's reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
 2. There is evidence of physical injury to the alleged victim.
 3. The person is the predominant aggressor.
- F. An officer's decisions as to whether or not to arrest a person suspected of committing domestic abuse are not to be based upon the following:
1. The consent of the victim to any subsequent prosecution.
 2. The relationship of the person involved in the incident, e.g. husband vs. wife.
 3. The absence of visible indications of injury or impairment.
 4. Potential financial consequences of arrest.
 5. Verbal assurance that violence will cease.
- G. In incidents where persons are committing or have committed domestic abuse against each other, officers are not required to arrest both persons, but should arrest the person the officer believes to be the predominant aggressor (per WI §968.075(3). In determining the predominant aggressor, officers shall consider all of the following:
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 their history.
 2. Statements 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 person is threatening or has threatened future harm against another party or another family or household member.

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6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in the self-defense law Section 939.48.
- H. It is generally not appropriate for an officer to arrest anyone other than the predominant aggressor. However, when it appears that both parties were equally aggressive based upon extensive field investigation, the officer may take both parties into custody. Considerations will include prior history, apparent physical injury or fear inflicted, and/or a high probability of continued violence. Dual arrests are highly discouraged and should only be considered in rare, unusual circumstances where field facts do not identify the predominant aggressor. This decision should be made after consultation with the supervisor.
 - I. If the officer's probable cause to arrest is based upon a report of domestic abuse and that report is more than 28 days from the date of the actual incident, the officer need not make a mandatory arrest. The officer may still want to arrest, or the officer has the option in that case not to arrest, but simply refer the matter to the Jefferson County District Attorney's Office for review (per WI §968.075(2)(b)).
 - J. All domestic abuse incident-related arrests will be processed through the Jefferson County District Attorney's Office. No municipal charges will be pursued unless this recommendation is made by the District Attorney's Office after their review of a completed investigation.
 - K. Immunity has been granted to any law enforcement officer for decisions by the officer to arrest or not arrest an alleged offender if that decision is made in good faith to comply with the mandatory arrest provisions of the domestic abuse laws.
 - L. When there are reasonable grounds to believe that a crime was committed and no arrest is made, the officer shall immediately inform the Duty Supervisor prior to clearing the investigative scene. The officer must clearly state in his/her report why the person was not arrested, justifying such action(s) in view of PPD policy and Wisconsin State Law. The investigative reports will then be referred for additional follow-up or to the Jefferson County District Attorney for review.

**Commentary: Examples of situations where this may pertain are: the predominant aggressor has fled the area and reasonable efforts have failed to locate him/her; or situations where the officer has doubt that the law pertains to the facts at hand.*
 - M. Officers shall make the statutorily required notifications regarding contact prohibition (per WI §968.075(5)).
 1. The arrested person is required to avoid the residence of the alleged victim of domestic abuse, or any premises occupied temporarily by the alleged victim for a period of 72 hours following the arrest.

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2. Persons arrested shall be informed verbally and in writing of the contact prohibition period. The Palmyra Conditional Release and Contact Prohibition Form/Packet will be completed, explained and signed by the officer and detainee. Law enforcement officers acting on behalf of the defendant are allowed to contact the victim in order to retrieve belongings for the defendant.
 3. Persons arrested in connection with domestic abuse who refuse to sign the acknowledgement and/or fail to post bond on misdemeanor charges being brought shall be taken to the Jefferson County Jail and held for the next lock-up court. When a defendant remains in custody the officer must notify the alleged victim of the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release. Release from lock-up court will usually occur after 1:30 p.m., on the next day the court is in session.
 4. The alleged victim must be advised of and may sign a Contact Prohibition Waiver. These forms will be made available to the alleged victim any time within 72 hours of the domestic abuse incident. Victims of domestic violence will also be provided with a Victim Information Pamphlet (P029-8/5/20-554).
 5. Both forms will be maintained with the initial investigative report.
- N. Jail personnel will be responsible for completing Contact Prohibition Waiver forms for detainees transferred to their custody.
- O. This Department will provide support and assistance to any victim of domestic abuse. This may include immediate intervention by PAVE (800-755-3785) or New Beginnings (262-723-4653), a good resource that can be contacted via the responding officer, Jefferson County Communications, or the involvement of a domestic crisis center for on-scene assistance with transportation, temporary shelter or other accommodations.
- P. Regardless of gender of the victim, whenever there is an arrest in a domestic abuse incident, investigating officers shall inform the victim of The Jefferson County Victim/Witness Service and the services it provides. Officers should document these actions in the Incident Report.
- Q. Officers shall ensure the Domestic Abuse Checklist and Packet (300.5) are utilized during the investigation of Domestic Abuse/Violence situations.

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VI. EDUCATION AND TRAINING

- A. All sworn members of the Department will receive a copy of this policy during orientation and initial training during field training.**
- B. Current and future training by the law enforcement agency relating to the handling of domestic abuse complaints shall stress enforcement of criminal laws in domestic abuse incidents and protection of the alleged victim.**

Approved: _____

Scott D. Pavlock
Chief of Police

Date: _____


1/31/24

JEFFERSON COUNTY CHILDREN IN CRISIS BEST PRACTICES RESPONSE GUIDE

I. PURPOSE:

The Jefferson County Children in Crisis Best Practice Response Guide has been developed to protect youth who are in crisis. This includes children who have been or are at risk of being abused, endangered by alcohol, drugs, domestic violence, child sex trafficking, assault and/or neglect. This will be accomplished through the adoption of the Children in Crisis Best Practices Response Guide and the collaboration among all involved agencies through early intervention, coordinated investigation, assessment of safety, and the provision of supportive services to victims and their families.

When a child has been identified as a Child in Crisis, all agencies participating in this agreement have various roles, depending on individual circumstances and statutory mandates. As such, this document is intended to outline current best practices and establish responsibilities assigned to participating agencies during a coordinated response to a Child in Crisis.

II. DEFINITIONS:

Drug or Alcohol Endangered Child (DEC):

Any child (born or unborn) who is at risk of neglect, sexual/physical abuse, emotional abuse, or mental harm due to the parent/caregiver's use, distribution, or manufacture of illegal drugs, alcohol or prescription medications or the parent/caregivers failure to protect the child from harm due to another person's use, distribution or manufacture of these substances.

Domestic Violence Endangered Child:

Any child who is at risk of neglect or abuse due to domestic violence accompanied by any of the following:

- A child is held during or when exposed to violence or threats of violence, or was restrained from leaving, including hostage situations.
- A child is actively intervening in the violence.
- A child is exposed to violent behavior that is increasing in frequency and/or severity.
- A child is exposed to violence which involves the use of weapons or threats of suicide or homicide, or which results in substantial harm to any person present.
- Agency staff is in the home and observes unsafe living conditions that include drugs, drug paraphernalia, or unsanitary home conditions.

Child Sex Trafficking:

Wisconsin law makes trafficking of a child a criminal offense and states, "whoever knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, or solicits or *knowingly attempts* to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts as defined in s. 940.302(1)(a), is guilty of a Class C felony" (s.948.051(1) Wis. Stats.), and further states that anyone who knowingly benefits from these activities is also guilty of a Class C felony

(s.948.051(2) Wis. Stats.). Refer to Addendum B for further information and indicators of child sex trafficking.

III. PARTICIPATING AGENCIES:

Representatives from the following agencies hereby agree to carry out the provisions in this protocol:

- Jefferson County District Attorney's Office (DA)
- All Jefferson County Municipal Law Enforcement Agencies
- Jefferson County Sheriff's Office (JESO)
- Jefferson County Human Services Department (JCHSD)
- Walworth County Child Advocacy Center
- Medical Providers
- Jefferson County Drug Task Force
- People Against Domestic Violence (PADA)/Protect Advocate Validate Educate (PAVE)/New Beginnings (formerly Association for the Prevention of Family Violence -APFV)
- Wisconsin Department of Corrections (DOC)
- Jefferson County Corporation Counsel
- Jefferson County School Districts

IV. GUIDELINES

LAW ENFORCEMENT RESPONSE TO A CHILD IN CRISIS:

FIRST RESPONDING OFFICER

1. Provide aid/comfort to the victim or involved child as necessary.
2. Secure the scene.
3. Conduct only a minimal facts interview of the child.
4. Officers shall ensure that services are offered to child victims, including Sexual assault nurse examiner (SANE) exams, medical evaluations, and that Human Services is contacted, if a report of abuse or neglect is received.
5. Identify and obtain contact information for ALL subjects present at the incident, all household members, and caretakers for any minors involved.

6. Document and photograph injuries on the victim(s). (tattoos, burns, branding, marks or injuries)
7. If victim supplies suspect information, seek out the suspect. When possible contact and include JCHSD who can be present during the interview.
8. Officers should not release the child (ren) from an endangered environment to friends/relatives, unless approved by CPS.
9. Contact Jefferson County Human Services PRIOR TO clearing the call if:
 - a. A child is present in the home/a residence/vehicle during an overdose
 - b. A child is witness to or becomes involved in domestic violence (Refer to Addendum C for domestic violence checklist if responding to a domestic violence call).
10. Contact Jefferson County Human Services within 24 hours if:
 - a. The victim is under the age of 18 and there is suspicion of abuse or neglect.
 - b. The witness (es) are under the age of 18 and there is suspicion of abuse or neglect.
 - c. The officer knows or has reason to believe that a woman who is pregnant is under the influence of drugs or alcohol, exposed to violence, or is engaging in dangerous or aggressive behavior.
 - d. There is any suspicion of child sex trafficking (Refer to Addendum B for definition and indicators of child sex trafficking)
11. Complete the initial incident report documenting where the child was during the incident, what the child observed, if drugs or paraphernalia were located-where in proximity to the child or to the child's room/belongings were they located, and how was the child involved in or intervened during an incident. A copy of the report should be provided to Jefferson County Human Services within 24 hours when possible.

DETECTIVE/INVESTIGATING OFFICER:

1. Consult with JCHSD staff to coordinate a forensic interview and additional investigation.
2. Video Recording:
 - a. Video recorded forensic interviews of all DEC children will occur at the Walworth County Child Advocacy Center or JCHSD unless circumstances suggest another safe and appropriate location should be used.
 - b. Forensic interviews shall be conducted by those trained in the Wisconsin Forensic Interview Guidelines.
 - c. All children age 12 and over barring developmental or mental disabilities will be administered an oath by a notary as required by Wisconsin law s. 908.08. Wis. Stats.

- d. Evidence from a victim shall include but not be limited to photographs of injuries, medical examinations, and photographs of where the crime occurred.

Photographs shall be taken in every case of abuse and neglect. Follow up photographs are desired to show the progression of an injury when practicable. Local law enforcement agency's policy for chain of evidence should be followed. If a referral is made to the DA's office, that referral shall include any photos and the initial CPS report.

3. Contacting Jefferson County Human Services prior to conducting a search of the residence when children are known to reside in the home is encouraged. This will allow CPS to assist with these children by making safe and appropriate arrangements for the children if deemed necessary. Only basic information is needed to ensure CPS has staff on hand to respond when needed.
4. If a search is conducted and it is believed that children reside in the home, contact with JCHSD should be made before law enforcement leaves the residence.

JEFFERSON COUNTY HUMAN SERVICES DEPARTMENT (JCHSD)

1. Child Protective Services (CPS) is responsible for receiving, reviewing, and responding to reports of child maltreatment. CPS shall coordinate the planning and execution of all joint investigations of a received report of abuse or neglect regarding children when appropriate. CPS will also send screened out reports to the Community Response Program (CRP) when deemed appropriate.
2. When a DEC team member identifies a situation where children are in danger, they shall report the child maltreatment to CPS. CPS will respond to the report consistent with State standards and State statutes. Where there is a present danger, CPS will respond immediately.
3. If JCHSD identifies a conflict of interest regarding a report of alleged abuse or neglect, the report will be sent to an outside Human Services Agency for a screening decision and/or law enforcement agency for investigation.
4. Jefferson County Human Services will use Walworth County Child Advocacy Center according to the signed MOU.

The Walworth County Child Advocacy Center is recognized by Walworth County for the purpose of:

- Advocating, supporting, and initiating healing of children and families who may have been affected by abuse or neglect.
- Reviewing and instituting current and innovative research practices in the investigation, prosecution, treatment, and other general supportive services in cases of suspected abuse and neglect.

The following will be completed at Walworth County Child Advocacy Center:

- a. The person conducting the forensic interview must have completed the Wisconsin Forensic Interview Guideline training or other interviewing protocol approved by the

Jefferson County DA's office or Corporation Counsel. Interviews will be conducted consistent with the Wisconsin Forensic Interview Guidelines.

- b. Only law enforcement shall be provided with the original recorded interview for evidentiary purposes. Additional copies of the recording shall only be made at the request of the District Attorney or Corporation Counsel.
 - c. Every child that is seen at the Walworth County Child Advocacy Center for sexual or physical abuse or drug abuse concerns shall be offered a medical exam. The decision to perform a forensic medical examination in case of suspected sexual abuse is based on the best interest of the child.
 - d. The requesting investigator will share all case specific information with the medical provider to facilitate a thorough and effective exam and to prevent unnecessary questioning of the child victim.
 - e. When a child needs an interpreter, one will be provided at no cost to the family/non-offending caregiver. Interpreter services are set up either through the law enforcement agency or Jefferson County Human Services worker.
5. The Jefferson County Human Services Department offers a wide array of services and resources to individuals who reside in the County. Services may come from the Aging and Disability Resource Center, Public Health, Behavioral Health, Children and Families Division, Economic Support Services, and Mental Health Recovery Services. Crisis intervention services are available 24 hours a day, 7 days a week.
 6. Behavioral Health services may be provided to victims and/or families through the agency if appropriate. Behavioral Health providers will collaborate with necessary DEC team members to ensure that all needs are being met.
 7. Behavioral Health providers and any Child Protective Services staff will collaborate on a regular basis with providers from the Walworth County Child Advocacy Center when deemed necessary.

MEDICAL

MEDICAL EVALUATION:

1. Medical services personnel are responsible for providing medical care for children brought to them who may be victims of abuse, neglect, or are drug endangered. Medical services personnel, including the SANE program, are available to assist law enforcement agencies by collecting, preserving, and interpreting medical evidence such as sample of tissues and bodily fluids, x-rays, and similar items and providing other information needed in the investigation of a situation where it is alleged that a crime has been committed.
2. Medical evaluations for children suspected of being maltreated should be performed by the most experienced medical professional available, as this is a specialized area of clinical practice. The purpose of the medical evaluation is:
 - a. To address the health of the child.
 - b. To start the child and protective parents on a path toward well-being.

- c. To collect and preserve evidence.
 - d. To detect and document evidence of child abuse.
 - e. To assist child welfare and criminal justice systems in the interpretation of medical information that is relevant to the safety and well-being of children.
 - f. To assess for alternative medical conditions that could be confused with child maltreatment.
3. The Walworth County Child Advocacy Center will provide a comprehensive medical evaluation of children suspected to be victims of sexual or physical abuse or neglect by a nurse practitioner, or a physician as capacity allows. This includes siblings of abuse victims without known signs of abuse, children who are drug endangered and children who witness domestic violence. When capacity is exceeded, children will be referred to alternative resources.
 4. In cases of sexual abuse when Walworth County Child Advocacy Center medical services are unavailable, children are to be evaluated by a Sexual Assault Nurse Examiner (SANE) pediatric provider at agencies with linkage agreements (Aurora Healthcare, Mercy, and American Family Children's Hospital).
 5. If medical services are unavailable, children should be referred to the local emergency department or other appropriate resources with necessary follow up at Walworth County Child Advocacy Center or Children's Hospital of Wisconsin if appropriate.

For case specific guidelines, see Addendum A.

SEXUAL ASSAULT NURSE EXAMINER (SANE)

1. The SANE exam provides medical care of the patients, collects and documents forensic evidence, and facilitates advocacy services and follow up patient care. When it is determined a SANE exam is necessary, Walworth County Child Advocacy Center, Meriter Hospital, Mercy Hospital, American Family Children's Hospital, Aurora Medical Center in Summit, or Aurora Medical Center in Hartford, can be contacted to conduct the exam. Walworth County Child Advocacy Center- W4063 County Rd NN, Elkhorn, WI 53121 (262) 741-1440, Meriter Hospital 202 S. Park Street Madison, WI 53715 (608) 417-5916, Mercy Hospital 1000 Mineral Point Ave Janesville, WI 53548 (608) 756-6000, American Family Children's Hospital 1675 Highland Ave Madison, WI 53792 (608) 890-5437, Aurora Medical Center in Summit 36500 Aurora Dr. Summit, WI 53066 262-434-1000, or Aurora Medical Center in Hartford 1032 E. Sumner St. Hartford, WI 53027 (262) 673-2300.
2. If a forensic interview has not occurred prior to a medical evaluation, it may be necessary for the SANE to speak with the victim about the incident in order to provide medical treatment. Law enforcement may be present and participate with the SANE during the taking of the patient history. The victim will always be allowed to determine who is present during the evaluation.

3. Upon completion of a standard medical forensic examination, the SANE will transfer the completed sexual assault kit to the responding law enforcement officer. The responding law enforcement agency will be responsible for picking up the evidence that is logged within the appropriate hospital department.

OTHER MEDICAL PROVIDERS/PUBLIC HEALTH

Providers should be contacting Jefferson County Human Services within 24 hours if:

1. Patient is under the age of 18 and there is knowledge or suspicion the patient has been a victim of abuse or neglect.
2. Provider knows or has reason to believe that a woman who is pregnant is under the influence of drugs or alcohol.
3. Provider has any suspicion of child sex trafficking (Refer to Addendum B for definition and indicators of child sex trafficking).
4. Provider knows or has reason to believe that the patient has been involved in or has witnessed domestic violence.
5. Provider knows or has reason to believe or suspect that there are other forms of abuse or neglect occurring in the home.
6. Provider who is in the home and observes unsafe living conditions that include drugs, drug paraphernalia, or unsanitary home conditions.

DOMESTIC VIOLENCE AGENCIES:

Mandated reporters are required to contact Child Protective Services (CPS) if there are any concerns of child maltreatment. Agency staff should contact Jefferson County Human Services within 24 hours if they have knowledge that:

1. A child has witnessed or been involved in domestic violence.
2. A child is held during or exposed to the violence, or was restrained from leaving, including hostage situations.
3. A child is actively intervening in the violence.
4. A child is exposed to violent behavior that is increasing in frequency and/or severity.
5. A child is exposed to violence which involves the use of weapons or threats of suicide or homicide, or which results in substantial harm to any person present.

6. Agency staff knows or has reason to believe or suspect that there are other forms of abuse or neglect occurring in the home.
7. Agency staff is in the home and observes unsafe living conditions that include drugs, drug paraphernalia, or unsanitary home conditions.

JEFFERSON COUNTY DISTRICT ATTORNEY'S OFFICE:

1. The DA's office shall assist law enforcement with all aspects of a criminal investigation and responsibility for determining whether formal criminal or juvenile court proceedings will be initiated.
2. The Victim Witness Coordinator will assist victims and witnesses throughout the criminal and/or juvenile court process step by step and provide referrals to other sources of help, including the Walworth County Child Advocacy Center, Jefferson County Human Services, CPS, Crime Victim Compensations, and Wisconsin Department of Corrections.
3. The Victim Witness Coordinator of the District Attorney's Office is designed to give victims information about rights which provide certain privileges and protection as stated in WI Stats. Chapter 950. Additionally, crime victims in the State of Wisconsin are to be treated with fairness, dignity, and respect for their privacy.

CORPORATION COUNSEL:

Corporation Counsel shall represent the interests of JCHSD as it relates to DEC and has responsibility to make prosecution decisions on Children in Need of Protection or Services (CHIPS), Juvenile Guardianships, Temporary Physical Custody (TPC) and Termination of Parental Rights (TPR) cases.

WISCONSIN DEPARTMENT OF CORRECTIONS (DOC)

Mandated reporters are required to contact Child Protective Services (CPS) if there are any concerns of child maltreatment. Probation and Parole Officers are considered mandated reporters and they shall report concerns to CPS and/or law enforcement. Probation Officers are required to report any instances of sexual abuse, physical abuse, or neglect of a child to CPS and/or law enforcement. This includes concerns related to children being exposed to Domestic Violence and/or involved in Child Sex Trafficking. In addition, Probation and Parole Officers will contact CPS and/or law enforcement immediately if a home visit is conducted and Officers observe unsafe living conditions that include drugs, drug paraphernalia, or unsanitary home conditions.

SCHOOL PERSONNEL

Mandated reporters are required to contact Child Protective Services (CPS) if there are any concerns of child maltreatment. School Personnel are considered mandated reporters and they shall report concerns to CPS and/or law enforcement. This includes concerns related to children being exposed to Domestic Violence and/or involved in Child Sex Trafficking. In addition, School Personnel will contact CPS and/or law enforcement immediately if a home visit is conducted and personnel observes unsafe living conditions that include drugs, drug paraphernalia, or unsanitary home conditions.

MULTI-DISCIPLINARY TEAM (MDT) REVIEWS

MDTs are designed to periodically assess case response and adherence to this protocol. Any areas of improvement will be identified and addressed. Representatives from the participating agencies shall meet as needed.

Nothing in this document is intended to conflict with any provision of the Wisconsin Statutes, Wisconsin Administrative Code or the United States Code or applicable state or federal case law. If any section is found to be in conflict with the foregoing, that section alone is void.

Addendum A

Case Specific Medical Information

A. Sexual Abuse

The following procedures for sexual abuse medical evaluation will be utilized. These aspects of the evaluation apply to all cases, regardless of time interval from the incident(s).

- Complete medical history as available (including immunizations) obtained by information provided at the time of the medical evaluation (by Electronic Medical Records, guardian, CPS, child or family).
- The child is offered a choice of having the physical exam with or without a supportive person (of his/her choosing) assuming the person is protective and appropriate. Usually, unless the child refuses, the genital and anal exams are photo documented using a colposcope.
- Any signs of trauma, recent or remote, will be documented.
- Appropriate lab testing for pregnancy and sexual and non-sexually transmitted diseases will be obtained as appropriate.
- Pregnancy, STI, and HIV prophylaxis need to be considered and offered where appropriate.
- The medical evaluation will be documented per usual medical standards. The medical evaluation documentation is shared with the multidisciplinary team in a routine and timely manner as allowed by statute.
- Unnecessary medical evaluations should be minimized by identifying the best location and timing for the evaluation. This often requires initial conversations with emergency departments and primary care providers to develop a process for referral to the specialized medical provider as defined by the needs of the child.

The timing of the medical evaluation for sexual abuse depends on the age of the child, any symptoms of injury or infection the child may be experiencing, and when the abuse occurred. The following should be considered when determining the timing of the medical evaluation:

- 1.) Medical providers can collect forensic evidence from the child's body up to 72 hours after suspected abuse, and up to 120 hours after the abuse in adolescents. The collection is optimal when done prior to bathing, changing clothes, or urination/defecation.
- 2.) Prophylactic medications for sexually transmitted infections can be provided up to 72 hours after the abuse and pregnancy prophylaxis is most effective up to 120 hours after the abuse.
- 3.) Genital injuries can heal very quickly, sometimes within 24 hours after the abuse. Some genital injuries may require medical treatment if bleeding or pain is severe.

4) In the setting of disclosure, even when the child has no physical symptoms or forensic evidence is unlikely, an urgent medical evaluation should be obtained to give reassurance to the child and family if they are having severe emotional conflict. When there are concerns of sexual abuse, the table below provides guidelines for the timing of the medical evaluation:

Any sexual abuse suspected to have occurred LESS THAN 72 HOURS IN THE PAST	Same day appointment
Genital/rectal pain or bleeding	Same day appointment
Genital/rectal injuries	Same day appointment
Concerns for sexually transmitted disease	Same day appointment
Family or child in crisis	Same day appointment
Any sexual abuse suspected to have occurred MORE THAN 72 HOURS IN THE PAST	Appointment as soon as possible
Extreme sexualized behavior	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

5) The Sexual Assault Evidence Collection Kit - Utilization of the sexual assault kit is done in a way that the chain of custody is preserved. The collection is guided by the allegation and may include the following:

- a. Paper bagging of individualized items of clothing;
- b. Collecting specimens from body orifices via swabs;
- c. Collecting other debris (trace evidence) which may be present;
- d. Collecting specimens via swabs of the areas that may have perpetrator body fluids (bite marks, semen dried on skin);
- e. A black light may be used to identify additional areas of collection

B. Physical Abuse / Neglect

Children suspected by CPS, law enforcement or medical professionals of having been physically abused or neglected should have a medical evaluation to detect, document and treat injuries and medical conditions related to the maltreatment and to assess for medical conditions that may mimic abuse. The medical evaluation should ideally occur as soon as possible after concerns of maltreatment arise.

The medical evaluation should include:

- Complete medical history and the history of the suspected abuse, including review of available medical records
- Complete physical examination

- Appropriate laboratory and imaging studies to document the medical conditions caused by any injury and to exclude medical conditions that may mimic abuse
- Laboratory and imaging studies to discover and document injuries that are not externally apparent by physical exam as appropriate
- Photographs to document visible injuries
- Treatment and referral as appropriate
- Documentation: A medical report will be completed. Addendums will be provided if any follow-up exams or test results return with positive findings. Findings of medical evaluation are shared with the multidisciplinary team in a routine and timely manner.

When determining the timing of the medical evaluation, consider the following:

- Children with fairly minor visible injuries may have serious internal injuries or be at risk for serious injury.
- Some injuries may heal quickly and may not be readily apparent on exam even 24 hours after the abuse. If any photos of injuries in less advanced stages of healing are available, medical providers can review those photos and include them in medical assessments.

The following table serves as a guideline to the timing and location of a medical evaluation:

Serious/life threatening injury	Direct to local emergency department
Significant injury or suspected 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
Infant with any unexplained bruising or oral injury (sentinel injuries)	Same day appointment
Sibling or other child less than 2 years of	Same day appointment

age who has been under the care of the alleged maltreater and there is suspicion of trauma	
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 (remember that injuries may be covered by clothing or not visible externally)	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 who did not fit above 'seen immediately' criteria	Appointment as soon as possible
There are no immediate concerns regarding the child's safety, and no injuries are suspected	Appointment as soon as possible

C. Drug Endangered Children (DEC)

Please refer to the DEC protocol for detailed processes regarding the investigative and service needs of children who are drug endangered. The purpose of the medical evaluation for children who are drug endangered is to:

- Detect and document any exposure to drugs or chemicals used in the manufacture of illicit substances
- Detect and document any real or potential medical conditions, or any injuries related to the exposure
- Detect and document any neglect concerns related to the child's exposure to an environment where drugs are used or manufactured
- Refer for follow-up medical services as needed

Laboratory testing for drug exposure can be done if the child is brought for medical care within 7 days of an exposure. The sooner the laboratory testing is done, the more likely substances can be detected by the test. If the Walworth County Child Advocacy Center is unable to provide a same day medical appointment, the location of the evaluation depends on the child's exposure and symptoms.

- Any children with symptoms or history that would raise suspicions for injuries requiring emergency care should be seen in an emergency department

- If the youth does not have symptoms requiring emergency care, a urine sample can be obtained at the Walworth County Child Advocacy Center with a follow-up evaluation occurring as soon as possible.

Addendum B - Child Sex Trafficking

The Jefferson County Coordinated Community Response to Child Sex Trafficking (CCR-CST) is a group comprised of representatives from JCHSD and other community partners including but not limited to law enforcement, school staff, domestic violence agencies, and medical providers. The Jefferson County CCR-CST is currently in the process of developing ongoing protocols, screening tools, and staffing procedures. When these policies are completed, additional county-specific information will be added to this section of the protocol.

Definition:

What is Child Sex Trafficking?

Trafficking of a Child occurs whenever someone knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, or solicits or *knowingly attempts* to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts as defined in s. 940.302(1)(a), (s. 948.051(1) Wis. Stats.), or whenever someone knowingly benefits from these activities (s. 948.051(2) Wis. Stats.). Refer to Addendum B for further information and indicators of child sex trafficking.

“Commercial sex acts” means any of the following for which anything of value is given to, promised, or received, directly or indirectly, by any person: sexual contact; sexual intercourse; sexually explicit performance; or, any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification (s. 940.302 Wis. Stats.). “Anything of value” may include but is not limited to money, drugs, or provision of basic needs such as food, clothing, or shelter.

In cases of child sex trafficking, the elements of force, fraud, or coercion do not need to be present. Any situation where a child participates in a sexual act in exchange for something of value is considered sex trafficking, regardless of the degree to which a child is doing so “voluntarily” or giving “consent.”

The following circumstances indicate a confirmed incident of child sex trafficking:

- Child reports “consensual” participation in a sexual act in exchange for food, shelter, transportation, drugs, alcohol, money, status, or other items of value
- Child reports being forced or coerced into sexual activity for the monetary benefit of another person

Sex trafficking is a statewide issue in Wisconsin and occurs in cities, suburbs, and rural areas.

Indicators of Child Sex Trafficking:

Many children who are being trafficked do not see themselves as victims and may not realize they are being trafficked. It may be difficult to build rapport with victims and may take multiple meetings over a period of time to gain a victim’s trust. Therefore, cases of child sex trafficking are often ***discovered*** instead of disclosed, and it is critical that professionals and community members are able to recognize the signs of sex trafficking in order to effectively report, investigate, and intervene.

While no single indicator confirms the existence of child sex trafficking, several indicators combined can mean it is more likely that a child is being exploited or is actively being targeted and recruited.

Behavioral Indicators

- Child has a significant change in behavior, including increased online activity, or associates with a new group of friends
- Child has a history of being missing/runaway/kicked out of his or her home 2 or more times within the last six months (caregiver doesn't know where/who the child is with)
- Confirmed or reported use of hotels for parties or sexual encounters
- Child references traveling to other cities or states or somewhere out of the ordinary or unusual for the child without caregiver permission and/or knowledge; child may also lack knowledge of his or her travel plans, destinations, and/or his or her current location
- Child references online classified ads or escort websites
- Child appears frightened, resistant, or belligerent to law enforcement
- Child is extremely distrustful of authority figures
- Child avoids answering questions, lets others speak for him or her, or looks to others before answering questions
- Child seems coached in talking to law enforcement or other professionals
- Child lies about his or her age and identity
- Child has an older boyfriend/girlfriend/partner, or is unwilling to provide information about their sex partner
- Child has a history of multiple sexual partners (known or unknown)
- Child does not ask for help or resists offers to get out of the situation (child does not self-identify as a victim)
- Child uses trafficking-related terms like "Trick," "Daddy," "The Life," or "The Game"
- Child is preoccupied with "getting money" (e.g., displaying photos of cash)
- Child references traveling job opportunities (including modeling, singing and/or dancing in a music group, or magazine sales crew)
- Child has significant, unexplained gaps in school attendance

Physical Indicators

- Child has multiple cell phones and/or electronic devices
- Child has sexually explicit photos of themselves that may or may not be on the Internet
- Child has large amounts of cash or pre-paid credit cards
- Child has hotel keys, hotel receipts, or other items from a hotel/motel
- Child has notebooks or slips of paper containing phone numbers, dollar amounts, names, or addresses
- Child has no ID, or ID is held by another person
- Child has unusual/unexplained sexual paraphernalia (such as bulk condoms or lubrication)
- Child has a name or symbol tattooed, burned, or branded onto his or her body, particularly when coupled with the child's reluctance to explain the tattoo, the child's tattoo matches other children's tattoos, or the tattoo indicates money or ownership (ex. MOB, barcode or \$)
- Multiple children are present with an unrelated male or female

- Child has unexplained injuries
- Child has unaddressed medical issues or goes to the ER or healthcare clinic alone, or with an unrelated adult
- Child is recovered at a hotel, street track, truck stop, or strip club
- Child has possession of money, electronic, or other material items that are unexplained, unusual, or out of the ordinary for that child (e.g. nails, hair, clothing, shoes)
- Child has a history of sexually transmitted infections and/or pregnancies

How to Report Child Sex Trafficking:

Child Protective Services

Child Sex Trafficking (CST) is a form of child abuse, even if the perpetrator is unrelated to the child. Mandated reporters are required to report suspected abuse and neglect of children (s.48.981(2) Wis. Stat.), including suspected cases of child sex trafficking. Reports of child abuse and neglect in Jefferson County can be made by contacting JCHSD 24 hours a day at (920) 674-3105.

The *Wisconsin Child Sex Trafficking and Exploitation Indicator and Response Guide* may be consulted if you have concerns that a child or youth you have contact with is being sexually trafficked or exploited. This tool can be accessed on the Wisconsin Department of Children and Families website – Anti-Human Trafficking Home Page: <https://dcf.wisconsin.gov/aht>

National Human Trafficking Hotline

The National Human Trafficking Hotline connects victims and survivors of sex and labor trafficking with services and supports to get help and stay safe. The National Hotline also receives tips about potential situations of sex and labor trafficking and facilitates reporting that information to the appropriate authorities in certain cases. Decisions to report tips to law enforcement are handled on a case-by-case basis with priority on safety and the consent of the individual involved.

If you believe you may have information about a trafficking situation, you can:

- **Call the National Human Trafficking Hotline toll-free hotline at 1-888-373-7888:** Anti-Trafficking Hotline Advocates are available 24/7 to take reports of potential human trafficking.
- **Text the National Human Trafficking Hotline at 233733.**
- **Chat the National Human Trafficking Hotline via www.humantraffickinghotline.org/chat**
- **Submit a tip online through the anonymous online reporting form below.** If the situation is urgent or occurred within the last 24 hours, reporters are encouraged to call, text or chat.

Note: The National Human Trafficking Hotline takes reports on all forms of human trafficking for both children and adults. Reporting through the National Human Trafficking Hotline does not replace or satisfy the requirement of mandated reporters to report suspected cases of child sex trafficking to Child Protective Services.

Wisconsin Department of Justice (DOJ):

For more information about Wisconsin human trafficking laws and industry-specific guides and toolkits, visit the Wisconsin DOJ Human Trafficking website:

<https://www.doj.state.wi.us/ocvs/human-trafficking>

Addendum C - Domestic Violence

Contact Jefferson County Human Services immediately if you answer YES to one or more of the following items:

Do children reside in the home or did children reside in the home at the time of the incident?

☐ YES ☐ NO

Was a child held during or exposed to violence or threats of violence, or restrained from leaving, including hostage situations?

☐ YES ☐ NO

Did a child actively intervene in the violence?

☐ YES ☐ NO

Was a child exposed to violent behavior in a parent or caregiver's relationship that is increasing or has increased in frequency and/or severity?

☐ YES ☐ NO

Was a child exposed to violence in a parent or caregiver's relationship which involves or involved the use of weapons or threats of suicide or homicide, or which results in substantial harm to any person present?

☐ YES ☐ NO

Was there any serious injury to the non-battering adult?

☐ YES ☐ NO

Did a child indicate that they were fearful of the situation within the home?

☐ YES ☐ NO ☐ Unable to consult with child

CPS will respond to the report consistent with State standards and statutes. If there is present danger threat, CPS will respond immediately.

PALMYRA POLICE DEPARTMENT POLICY		
315 – Child Abuse and Neglect		
Date: 01-15-2024	Supersedes: All Previous	Review Date: 01-2025
WILEAG: Chapter 6		Standards: 6.6.7

I. PURPOSE

The purpose of this **Policy** is to establish guidelines for investigating crimes in which children are victims of abuse or neglect as described within Chapters 948 and 48 of the Wisconsin Statutes.

II. POLICY

The protection of all children is vital to the well-being of the community. The Palmyra Police Department (PPD) is committed to providing those services which will assist in the protection of children by investigating all claims of possible child abuse or neglect, making the proper referral to social service agencies in accordance with S.S.48.981 and pursuing these matters through the criminal justice system. The Department shall work with schools and agencies to educate children and other mandated reporters to identify and prevent victimization and to provide community awareness. All sworn Department personnel should be familiar with the statutory definitions of child abuse and neglect and statutory requirements of reporting such offenses.

III. GUIDELINES

A. **State Statute under §48.981(2)(a)29 specifies that a police officer or law enforcement officer that has reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or who has reason to believe a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur, shall initiate a report. This will include initiating an investigation when in the jurisdiction of Palmyra or notifying the appropriate law enforcement agency in which the suspected abuse or neglect is occurring.**

B. **The suspected abuse or neglect that will be investigated and referred to the Jefferson County District Attorney's Office include the following:**

1. **Physical injury inflicted on a child by other than accidental means.**

When used in referring to an unborn child: serious physical harm inflicted on the unborn child and the risk of serious physical harm to the child when born; caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages,

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controlled substances or controlled substance analogs exhibited to a severe degree.

2. **Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085**
3. **A violation of s. 948.05 Sexual Exploitation of a Child**
4. **A violation of s. 948.051 Trafficking of a Child**
5. **Permitting, allowing or encouraging a child to violate s. 944.30 (1m) Prostitution**
6. **A violation of s. 948.055 Causing a Child to View or Listen to Sexual Activity**
7. **A violation of s. 948.10 Exposing Genitals, Pubic Area, or Intimate Parts**

IV. DUTIES AND RESPONSIBILITIES

- A. The investigation of reports of possible child abuse or neglect shall follow the Jefferson County Children in Crisis Best Practices Response Guide (Policy 315 Addendum 1).
- B. All sexual assaults involving a juvenile (assailant or victim) will be investigated by a trained officer. Child Protective Service (CPS) reports from the Jefferson County Department of Health and Human Services (JCDHHS) will be reviewed by the Chief of Police and assigned for investigation and disposition as necessary.
- C. Reports of child abuse or neglect cases will be assigned to a properly trained and certified officer. A Juvenile Officer will be assigned, if available, and will be responsible for coordinating investigation and evidence collection. Investigating officers will assist in securing counseling or other support services for the victim and will ensure that an offer of such services is made early in the investigation. In the event a properly trained officer in these types of investigation is not available then the supervisor shall make notification to an appropriate agency to assist. This shall include, but is not limited to the Jefferson County Sheriff's Office or the Department of Criminal Investigation (DCI)/State Police.
- D. Should the Patrol Bureau become involved in the initial response and preliminary investigation of child abuse or neglect (including sexual assault of children), the Chief of Police must be notified. If the Chief of Police is not available, the responding field officer will conduct the initial investigation, evidence collection, and provision of victim services within his or her trained capabilities. The Chief of

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Police shall be notified as soon as possible for review and proper follow up action and investigation.

- E. PPD and JCDHHS will jointly investigate all child abuse or neglect reports whenever possible. JCDHHS must be notified of the report within 12 hours, exclusive of Saturdays, Sundays or legal holidays. The investigating officer must ensure this notification is made or indicate why notification was not made and take appropriate follow up action. **This reporting shall occur to include cases where:**
1. **A caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.**
 3. **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.**
 2. **A person who is not a caregiver is suspected of abuse.**
 3. **It cannot be determined who abused or neglected or threatened to abuse or neglect a child.**
 4. **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.**
- F. The Chief of Police must review and approve final investigative disposition of all cases involving Child Abuse and Neglect.

Approved: _____
 Scott D. Pavlock
 Chief of Police

Date: _____

PALMYRA POLICE DEPARTMENT POLICY		
428.5 – Trespass to Dwelling		
Date: 01-15-2024	Supersedes: All Previous	Review Date: 01-2026
WILEAG: Chapter 6		Standards: 6.1.11

I. PURPOSE

The purpose of this **Policy** is to establish procedures for officers regarding the investigation of complaints alleging a violation of trespass to dwelling.

II. POLICY

Pursuant to Wis. Stat. § 175.403, if an officer has probable cause to arrest a subject for a violation of Wis. Stat. § 943.14, the officer shall cause the subject to be removed from the dwelling. Removal of a subject can be done via consent of the subject or via arrest for a violation of Wis. Stat. § 943.14 - Criminal Trespass to Dwellings and/or other violations of law or warrant(s) for arrest.

III. DEFINITIONS

- A. Criminal Trespass to Dwelling, Wis. Stat. § 943.14: whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.
- B. Dwelling Unit, Wis. Stat. § 943.13(1e)(ar): a structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.

IV. PROCEDURES

- A. All incidents of alleged Criminal Trespass to Dwelling will be thoroughly investigated.
- B. If an officer has probable cause to arrest a subject for a violation of Wis. Stat. § 943.14, the subject shall be removed from the dwelling. This removal may be accomplished through the following methods:
 - 1. Consent of the subject to remove himself/herself from the dwelling. The officer has discretion to issue a written warning, a municipal citation, or pursue criminal charges for the violation of Wis. Stat. § 943.14.

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2. Arrest of the subject for a violation of Wis. Stat. § 943.14. The officer has discretion to issue a municipal citation or pursue criminal charges for the violation of Wis. Stat. § 943.14.
3. Arrest of the subject for a violation of law other than Wis. Stat. § 943.14. The officer has discretion to issue a municipal citation or pursue criminal charges for the violation of Wis. Stat. § 943.14.
4. Arrest of the subject via arrest warrant. The officer has discretion to issue a written warning, a municipal citation, or pursue criminal charges for the violation of Wis. Stat. § 943.14.

V. MISCELLANEOUS INFORMATION

Wis. Stat. § 943.14 is not a method for landlords to circumvent eviction proceedings. An officer cannot have probable cause of a violation if the suspect has a leased, month-to-month, or week-to week tenant relationship with the complainant.

Approved: _____

Scott D. Pavlock
Chief of Police

Date: _____

PALMYRA POLICE DEPARTMENT POLICY		
604 – Eyewitness Identification		
Date: 01-15-2024	Supersedes: All Previous	Review Date: 01-2026
WILEAG: Chapter 6		Standards: 6.3.7

I. **PURPOSE**

This Policy establishes guidelines to follow when utilizing eyewitness identifications in the form of photographic identifications, showups and lineups.

II. **POLICY**

Eyewitness identifications are an important investigative tool. It is the policy of this Department to establish a uniform procedure for the collection of eyewitness evidence. This Policy promotes practices that safeguard innocent persons, is designed to prevent identification errors, and shall be reviewed biennially (ss175.50(3)).

III. **DEFINITIONS**

Photo Lineup: the sequential showing of multiple photographs to an eyewitness for the purpose of obtaining an identification.

Showup: the presentation of one suspect to an eyewitness that is conducted close in time and place to the commission of the offense.

In-Person Lineup: the presentation of a number of persons, including the suspect, sequentially to an eyewitness.

IV. **PROCEDURES**

A. Photo Lineup

1. Construction of Photo Lineups

- a. A photo lineup should consist of a photo of the suspect and five (5) “filler” photos all placed individually in folders, along with two blank folders which will give the appearance that there are eight photos to be shown.

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- b. “Filler” photos should resemble significant features of the witness description of the suspect (e.g., race, sex, age, face, build, hair color and length, facial hair, etc.)
- c. Photos should be of the same size, composition and background.
- d. Photos should be numbered so that the person depicted can be identified.
- e. If there are multiple suspects, they must be shown in separate photo lineups; in addition, the filler photos need to be different.
- f. Document the lineup on the Eyewitness Worksheet form (Photo Line Up).

2. Display of Photo Lineups to Witness

- a. Whenever possible, the photo lineup should be presented by an officer who does not know the actual identity of the suspect.
- b. Witnesses should not be told how many photos they will be viewing.
- c. If there are multiple witnesses, they must be separated and interviewed away from each other.
- d. Prior to the viewing of a photo lineup, the witness should be read the instructions from the Eyewitness Instructions form.
- e. The folders that contain the photos are given individually to the witness for viewing.
- f. The first photo will always be a “filler” photo.
- g. Two blank folders are held so that the witness does not know that the sixth photo is the last.
- h. Avoid any statements or actions that may influence the witness in any way.
- i. All photos will be viewed, even if identification is made prior to viewing all of the photos.
- j. A witness should be instructed not to discuss the identification process or the results with other witnesses.

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- k. If requested, the witness may view one or more of the photos a second time. If identification is made, then the report will state that identification was made during the second viewing.

3. Witness Identification of Suspect

- a. Avoid confirming or saying anything to the witness until all photos have been shown and a statement has been made.
- b. In the statement, the witness should describe in their own words how certain they feel about the person they have identified as the suspect.
- c. Have the witness date and sign the back of the suspect photo if they have selected the suspect. Have the witness sign a photocopy of the photo if there are other witnesses that need to view the photo.
- d. If an identification has been made of either the suspect or a “filler,” the photo lineup is evidence and needs to be placed on Property Inventory in accordance with Department policy. A copy should be made for the report.
- e. Complete the remainder of the Eyewitness Instructions form.

B. Show-up

Note: A Wisconsin Supreme Court Decision has ruled that a showup is inherently suggestive and will not be admissible unless, based upon the totality of the circumstances, the procedure was necessary. Showups rarely, if ever, should be utilized and only when there is no probable cause to arrest. If there is probable cause to arrest, an arrest should be made and a photo lineup or an in-person lineup should be utilized for witness identification.

1. Procedure to Follow

- a. Shall only be done with the approval of a supervisor.
- b. Should be conducted close in time and place to the crime.
- c. It is preferred that the witness be transported to the location of the detained suspect.
- d. Should occur in the field, generally where the suspect is stopped; not at the police department.

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- e. If possible, consent should be obtained from the suspect to participate in the show-up.
- f. The suspect does not have the right to have counsel present during the show-up process.
- g. An officer shall explain the process and instruct the witness that the person being viewed may or not be the person who committed the crime.
- h. Officers shall not say anything to a witness that would influence their decision when asked to make an identification.
- i. An officer may use such force as is reasonably necessary to detain a suspect for show-up.
- j. Generally, a suspect should not be in handcuffs or secured in a police vehicle unless they are uncooperative and being restrained for safety reasons. In those instances, the witness should be instructed that they should not assume anything by use of the restraints.
- k. If there are multiple witnesses, the viewing must be separate.
- l. If there are multiple suspects, the viewing must be separate.
- m. If an identification is made, the witness should describe (in their own words) in a statement how certain they feel about the person they have identified as the suspect.
- n. A suspect cannot be detained for longer than a reasonable period of time. If found not to have been involved, the suspect must be released immediately.
- o. When a show-up is utilized, it must be thoroughly documented to include the identification of the detained person, location and length of time of detention.

C. In-Person Lineup

1. Preparation

- a. Shall only be done with the approval of the Chief of Police.
- b. Should be conducted as soon as possible following the arrest of a suspect.

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- c. The intake or on-call District Attorney must be consulted.
- d. Contact witnesses and arrange for transportation if necessary.
- e. Arrange for videotaping of the procedure.
- f. Complete Eyewitness Worksheet form.

2. Suspect Rights

- a. Suspects shall be informed of their right to have counsel present during the course of the lineup.
- b. A suspect's lawyer shall be afforded the opportunity to consult with the suspect prior to the lineup and should be allowed to view the lineup procedure.
- c. The suspect's lawyer shall not be allowed to obstruct or control the lineup procedure.

3. Procedure

- a. All lineups should consist of only one suspect and at least four other persons as "fillers."
- b. "Fillers" should resemble the witness description of the offender. They should have similar physical characteristics to include: sex, race, age, height, weight, complexion, hair color and length, and physical build.
- c. Participants shall be numbered and presented one at a time to a witness.
- d. Prior to viewing a lineup, the witness should read the instructions from the Eyewitness Instructions form.
- e. Only one witness should view the lineup at a time.
- f. Witnesses should not be allowed to speak with one another during the lineup proceedings.

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4. Display of Live Lineup to Witness:
 - a. Each participant should be identified by and referred to by a number only.
 - b. The first participant shown should always be a “filler,” not the suspect.
 - c. Participants will be shown one at a time in random order.
 - d. If the suspect was wearing or displaying a distinctive item of clothing when the crime was committed, he/she can be compelled to wear or display the clothing during the lineup. Each participant must wear or display the same item while being viewed in the lineup.
 - e. If, during the commission of the crime, the suspect uttered specific words, made a gesture or movement, etc., all participants will be instructed to perform those statements or actions.
 - f. All participants will be shown, even if identification is made prior to viewing all of the participants.
 - g. If a witness requests to view a participant an additional time, then all participants will have to be shown an additional time.
 - h. Avoid comments or body language that may influence a witness selection.
5. Witness Identification of Suspect
 - a. If an identification is made, avoid confirming or saying anything to the witness.
 - b. The witness should describe in their own words how certain they feel about the person they have identified as the suspect. This should be documented in a supplemental report.
 - c. Complete the remainder of the Eyewitness Instruction form .

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Approved: _____

Scott D. Pavlock
Chief of Police

Date: _____

PALMYRA POLICE DEPARTMENT POLICY		
805-Public Records Policy		
Date: 01-10-2024	Supersedes: All Previous	Review Date: 01-2025
WILEAG: Chapter 10		Standards: 10.2.1

I. PURPOSE

In the State of Wisconsin, access to governmental records is governed by WI §19.31 - §19.39. The following shall constitute the Public Records Policy for the Palmyra Police Department (PPD) under which the public may request information and access to public records, make requests for records, obtain copies of records, and learn the costs involved in such requests. **This Policy will establish procedures regarding the release of departmental information in conformity with the law and with the recognition of the Department's general responsibility to the public for open access to public records while maintaining balanced, reasonable regulation of records.**

II. POLICY

The general policy of PPD regarding the disclosure or release of police records favors disclosure of records to the public. Thus, denial of the inspection or release will be the exception. The Department recognizes that a consistent open release policy may prove advantageous to the Department by creating an "active" image, while educating the public as to the organization's needs.

Generally, there is a presumption in favor of disclosing public records to the public. However, there is no absolute right to access. In each case, the records custodian is charged with balancing the public interest in disclosing records against the public interest in denying or restricting access at the time of the request.

The Department will display a public notice which identifies the records custodian and agency, the times and location in which the public may obtain information and access to records, the method for requesting records, and the process of obtaining copies of records.

III. DEFINITIONS

Record: any material on which written, drawn, printed, spoken, visual, electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations or like materials prepared for the originator's

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personal use.

Record Subject: an individual about whom personally identifiable information is contained in a record.

Requester: generally, any person who requests inspection or copy of a record.

Custodian of Records: The Chief of Police is the Custodian of Records for the Palmyra Police Department.

Duties of the Custodian: The Custodian is responsible for keeping and preserving public records until they may be destroyed as provided under Chapter 1.08 (Public Records) of the Village Code of Ordinances. No record may be destroyed while a request involving that record is pending or any time within 60 days after a request for the record has been denied (or 90 days if the requester is incarcerated or committed). The Custodian is responsible for responding to requests from the public for access to records in accordance with this Policy as well as applicable State and Federal laws and regulations. The Custodian may request assistance from the Village Attorney in responding to any request for access to information or records.

IV. HOURS OF OPERATION

- A. Except as otherwise noted below, the police department shall maintain **10-hour** office hours at 126 N. First St., Palmyra WI 53156
- B. Information and access to records may be requested **during office hours in person or via telephone at the Palmyra Public Safety Department between 8:00 a.m. to 4:00 p.m..**
- C. Palmyra Police Department records requests will be provided as soon as practicable and without delay, based on the records location, staff availability, approval process and required resourcing. This process typically occurs within 10 business days of the request.

V. FORM OF REQUEST

- A. Form of Request

Requests for access to records may be made in person, by mail, email, fax, or by telephone.

- B. Oral Requests

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A request for record(s) or information may be made orally. A request must be in writing, however, before an action to enforce the request may commence under WI §19.37. A requester may remain anonymous; however, there are limitations on public records access for incarcerated and committed individuals, as well as concerning juvenile arrest records. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require. Requesters must comply with any regulations or restrictions upon access to or use of information that are specifically prescribed by law. A custodian may also impose reasonable restrictions on the manner of access to an original record that is either irreplaceable or easily damaged.

C. Description of Records/Information

All requests must reasonably describe the record or information requested. If a record does not exist that corresponds to a request, the police department does not have an obligation to create a record. If, however, a record exists that is close to what a requester has asked for, that record should be considered to be the record that has been requested. Requests for records or information that do not state a reasonable limitation as to subject matter or length of time represented by the record do not constitute a sufficient request.

VI. LOCATION AND COPY COSTS

- A. Direct Cost: the actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.

Actual Cost: the total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent searching or copying records.

B. Reproduction or Copying Charges

1. Photocopies of 8½” x 11” records will be provided at \$0.25 per page.
2. Requests for records **requiring reproduction to electronic media (CD, DVD, flash drive) will be provided at \$15.00 per storage device.**
3. Requests for records **that can be sent electronically will be provided to the requester at no charge. These records may be subject to file size limitations.**
4. Shipping Charges

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The actual costs of shipping or mailing will be charged. 19.35(3)(d))

5. Location Charges

Whenever the actual, necessary, and direct cost to the police department of locating requested record(s) or information is \$50.00 or more, the person requesting such record(s) or information will be required to reimburse the police department for such costs as a condition of processing the request. An estimate of such costs will be provided to the requester unless the requester waives this estimate.

6. Advance Payment

Advance payment may be required whenever the costs of reproduction and/or postage exceed \$5.00 and whenever the cost of locating a record is \$50.00 or more.

7. Pursuant to Wisconsin law the Village of Palmyra will not charge a fee that exceeds the actual, necessary and direct cost of reproduction and transcription of a record or photographing or photographing processing, unless specifically established or authorized by law ((19.35(3)(a) and 19.35(3)(b)).

VII. LIMITATIONS AND PROHIBITIONS ON DISCLOSURE OF INFORMATION AND RECORDS

A. All requests for information and records are subject to a determination by the Custodian concerning whether the information or record is subject to release under applicable law as of the time of the request.

B. The general presumption is that records are open to the public unless there is:

1. A clear statutory exception.
2. A common law limitation.
3. An overriding public interest in keeping the record confidential. If possible, information or data that cannot be released will be redacted/"blacked out" from records and the resulting edited record will be released.

C. Statutory reasons for denying access to a record include, without limitation, the following:

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1. The record does not exist.
2. The item requested is not a “record” as defined by the Wis. Statutes.
3. The record is part of a records series, as defined in WI §19.62(7), that is not indexed, arranged, or automated in a way that the record can be retrieved by the authority maintaining the records series by use of an individual’s name, address or other identifier.
4. The record contains “personally identifiable information” (i.e. that can be associated with a particular individual through one or more identifiers or other information or circumstances) that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration or court proceeding, or any such record that is collected or maintained in connection with such an action or proceeding.
5. The record contains “personally identifiable information” that, if released, would:
 - a. Endanger an individual’s life or safety.
 - b. Identify a confidential informant.
 - c. Endanger the security, population, or staff of any State prison, jail, secured correctional facility, secured childcare institution, secured group home, mental health institute, center for the developmentally disabled, or facility for the institutional care of sexually violent persons as those facilities are defined by statute.
 - d. Compromise the rehabilitation of a person in the custody of the Department of Corrections or detained in a jail or facility.
6. The record is a confidential juvenile arrest record for which access is restricted under WI §938.396 and §48.396. Limited access may be granted in accordance with WI §938.396 and policies adopted by the police department.

D. Marsy’s Law under Chapter 950 of the Wisconsin State Statutes favors non-disclosure of victim information for reasons which may include:

1. **Protecting the privacy of victims by avoiding any unnecessary public attention or possible harassment of victims.**

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2. **Affording dignity, respect, courtesy, and sensitivity to victims by minimizing victims' further suffering, exploitation, re-traumatization, and re-victimization.**
 3. **Protecting the confidentiality of victims' personally identifiable information and contact information when necessary to afford victims reasonable protection from the accused or to ensure victims' safety.**
 4. **Preventing any economic, physical, or psychological effects upon victims that release of records or information might cause.**
 5. **Facilitating victims' cooperation with the investigation and prosecution of crimes.**
- E. The Driver's Privacy Protection Act (DPPA) forbids the disclosure of personal information about any individual obtained via the state's Department of Motor Vehicles (DMV). Records released containing information obtained or verified through the DMV shall have such information redacted. **The requester may complete and sign a DPPA waiver listing the exception that allows the record to be released.**
- F. **Medical or mental health information included in police department records is generally protected from disclosure under the Health Insurance Portability and Accountability Act.**
- G. Where there is no statutory or common-law prohibition on disclosure, the Custodian shall conduct a "balancing test," weighing the public's presumed interest in disclosure against the harm to the public, if any, that would result from disclosure.
- H. **Records will be reviewed and appropriate redactions made before giving any document to the requester. If the request was made in writing, by letter or by email and redactions are necessary, the reasons for redactions shall be provided in writing with an explanation to include all statutory, common law, or public policy reasons for the redactions. The written response must also inform the requester of his or her right to court review of the denial under mandamus action. The Custodian of Records will consult with the Village Attorney as necessary. The Custodian of Records is not required by law to give an explanation for redactions to the requester if the request was made verbally.**

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VIII. LIMITATIONS ON DISCLOSURE OF INFORMATION AND RECORDS INVOLVING POLICE EMPLOYEES

- A. Custodians are responsible for complying with the Wisconsin State Statutes placing limitations on disclosure of information pertaining to police employees.
- B. Employee Personnel Records, Access Prohibited

Unless access is specifically authorized or required by statute, a Custodian shall not provide access containing the following information (except to an employee or the employee's representative to the extent required under WI §103.13 or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under WI Ch. 111 or pursuant to a collective bargaining agreement under Ch. 111):

1. Information maintained, prepared, or provided by the police department concerning the home address, home email address, home telephone number, or Social Security number of an employee unless the employee authorizes granting access to such information.
2. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.
3. Information pertaining to an employee's employment examination, provided, however, that access to the examination score may be permitted if access to that score is not otherwise prohibited.
4. Information relating to one or more specific employees that is used by the police department for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.
5. Employee names/personal identifying information of a contractor required to pay prevailing wage rate unless otherwise authorized by the specific employee or by state statutes. A Custodian may, however, release an employee's work classification, hours, wages and benefits while working on such a project.

- C. Employee Records Requiring Notice and Review Opportunity

1. Under WI §19.356(2), a Custodian deciding to release the following records

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must give written notice to the subject employee by personal service or certified mail within three (3) days of making that determination.

- a. A record containing information relating to an employee that is created or kept by the police department and results from an investigation into a disciplinary matter involving the employee or possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the police department.
 - b. A record obtained by use of a subpoena or search warrant.
 - c. A record prepared by an employer other than the police department if that record contains information relating to an employee of that employer, unless the employee authorizes the police department to provide access to that information.
2. The written notice must describe the record and explain the employee's rights under WI §19.356(3) and (4). Employees receiving such notice have five (5) days within which to give the police department notice of intent to seek judicial review of the Custodian's decision to disclose the record and then (10) days within which to initiate an action to block release of the record by the police department. No disclosure of the record may be made pending the employee's response. If an action is commenced, no record may be disclosed unless a court-of-law decides permitting disclosure.

IX. CONFLICTS

In the event of any conflict between this Policy and the Wisconsin Statutes, as amended from time-to-time, the Wisconsin Statutes shall control.

Approved: _____
 Scott D. Pavlock
 Chief of Police

Date: _____

PALMYRA POLICE DEPARTMENT POLICY		
901 – Strip Searches		
Date: 01-15-2024	Supersedes: All Previous	Review Date: 01-2026
WILEAG: Chapter 1		Standards: 1.7.7

I. POLICY

Strip searches will not be conducted by officers of the Palmyra Police Department except when there is probable cause to believe that a detained person is concealing a weapon or anything which may constitute evidence of the offense for which he or she is detained. Such searches must then be conducted in strict conformity with Sections 968.255 and 968.256 (Wisconsin Statutes). A strip search is defined as a search in which a detained person's genitals, pubic area, buttocks or anus, or a detained female person's breasts are uncovered and either exposed to view or touched by a person conducting the search.

II. STANDARD REQUIREMENTS

- A. No person may be the subject of a strip search unless he or she is lawfully detained as prescribed in WI §968.255(1):
 1. A person arrested for any felony.
 2. A person arrested for any misdemeanor under WI §:
 - a. 167.30(1) Use of Firearms, etc., Near Park, etc.
 - b. 940.19 Battery; Substantial Battery, Aggravated Battery
 - c. 941.20(1) Endangering Safety by use of Dangerous Weapon
 - d. 941.23 Carrying Concealed Weapon
 - e. 941.231 Carrying a Concealed Knife
 - f. 941.237 Carrying Handgun Where Alcohol Beverages Sold and Consumed
 - g. 948.60 Possession of a Dangerous Weapon by a Person Under 18
 - h. 948.61 Dangerous Weapons Other Than Firearms on School Premises

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3. A person taken into custody under §938.19. Taking a juvenile into custody with reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be covered under paragraph II.A.1. or 2.
4. A person arrested for any misdemeanor not specified in paragraph II.A.2, any other violation of State law punishable by forfeiture, or any local ordinance if there is probable cause to believe the person is concealing a weapon or anything which may constitute evidence of the offense for which he or she is detained.
5. A person arrested or otherwise lawfully detained or taken into custody, if the person will be incarcerated, imprisoned or otherwise detained in a jail or prison with one or more other persons. Subject to II.A.3., for the purpose of this subdivision, “detainee” does not include a juvenile who is taken into custody under §938.19 and held in custody under §938.209 (criteria for holding a juvenile in a county jail or municipal lockup facility).

B. Strip searches shall only be done in accordance with the following:

1. The officer conducting the search is of the same sex as the person detained, unless the search is a body cavity search conducted under Section III.
2. The detained person is not exposed to the view of any person not conducting the search.
3. Strip searches may only be done in areas where there is no visual or audio monitoring/recording capability.
4. The search is not reproduced through visual or sound recording.
5. The officer conducting the search has obtained the prior written permission of a Sergeant, unless there is probable cause to believe that the detained person, as defined in paragraph II.A, is concealing a weapon and then only verbal permission of a Sergeant is required.
6. The officer conducting the search shall prepare a Special Report identifying the person detained; all persons conducting the search; the time, date and place of the search; and the written authorization (per Section II, 5). A copy of the Special Report shall be provided to the detained person prior to release or turning over the detained to another agency.

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III. SEARCH OF BODY CAVITY

No person other than a physician, physician's assistant or registered nurse licensed to practice in this State may conduct a body cavity search.

IV. DISABLED PERSONS

Wisconsin §968.256(2) defines "physically disabled person" as a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb.

A strip search of a physically disabled person must be conducted in a careful manner. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his or her body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons. **Disabled persons requiring this type of search will be brought to a medical facility that has staffed trained and can handle physically disabled persons.**

V. GENERAL GUIDELINES

- A. Officers investigating a crime wherein the detained person's clothing is required for evidential purposes and the removal of this clothing causes a detained person's genitals, pubic area, buttocks or anus, or a detained female person's breast to be uncovered or exposed to view is considered a strip search. In these circumstances, officers should follow the rules as outlined for strip searches. An exception to this guideline is when clothing is removed for a bona fide medical reason at a medical facility.
- B. Authority to grant the required written permission to conduct strip searches is delegated to Sergeants. Time permitting, Sergeants should consult with the Chief of Police prior to granting a strip search authorization.
- C. Officers conducting a strip search may only visually inspect the detained person's body with the exception of head hair which may be physically searched if necessary.
- D. A metal detector may be employed as an alternative to a full strip search.
- E. Officers requesting and Sergeants authorizing a strip search must reasonably conclude that such search is necessary for proper purposes. Reasonable conclusions should be based on:

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1. The observation of facts which may be interpreted in light of the officer's experience.
 2. Reliable information received from a third party where there is no reason to believe the third party is motivated by a desire to harass the detained person.
- F. A detainee who disrobes on their own accord, causing their genitals, pubic area, buttock or anus, or a detained female person's breast to be uncovered and exposed to view does not constitute a strip search. However, such an incident should be included in the Incident Report giving cause to the custody of the detainee.

VI. ANNUAL TRAINING

The Department shall provide annual training regarding the Policy to all sworn members of the Department. Training regarding the Policy shall also be provided to all newly-hired officers during their orientation period prior to being released to field training.

Approved: _____

Scott D. Pavlock
Chief of Police

Date: _____

PALMYRA POLICE DEPARTMENT POLICY		
1010-Citizen Complaints		
Date: 01-10-2024	Supersedes: 04-03-06/01-07-13	Review Date: 01-2025
WILEAG: Chapter 1		Standards: 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 1.9.6

I. PURPOSE

The effective handling of citizen complaints about the Department or its members is critical to maintaining positive police community relations. Good police community relations ensure the continuing support of citizens for general police efforts and encourage cooperation in specific investigations. The interests of individual officers and citizens who believe themselves to have been aggrieved by the actions of members of this Department are best served through the effective and credible investigation and resolution of those complaints. It will be the responsibility of the Administrative Assistant to maintain a supply of written procedures in the Police Department Business Office for citizens to follow when registering complaints against Department personnel.

In implementing this Policy and its attendant guidelines, it is important that a distinction be made and maintained between complaints regarding the actions of individual members of this Department and complaints about the Department in general or its policies. Nevertheless, the purpose of this **Policy** is to require the reporting and appropriate investigation of all citizen complaints, including anonymous complaints, against the Department or its members.

II. POLICY

- A. This Department will thoroughly document and objectively investigate all complaints against the Department or one of its members which are received from any source outside or inside the Department. Although on occasion malicious and deliberate false accusations are made against the Department or its employees, these accusations shall be the subject of an appropriate investigation to protect the integrity of the Department and its members, thereby instilling public confidence in the Department. It is recognized, however, that in some cases the extent of the investigation may be limited to substantiating the falsity of the allegation. Each complaint will be investigated to its logical conclusion with the results documented and reported to all concerned parties.
- B. While encouraging the filing of legitimate complaints against the Department or Department personnel as a means by which both can be held accountable to the public, the Department simultaneously seeks to hold members of the public responsible for filing false and malicious allegations against police officers. In cases of this nature, the complainants will be informed that appropriate legal proceedings will be instituted to remedy such action.

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Date: 01-10-2024	Supersedes: 04-03-06/01-07-13	Review Date: 12-2025

- C. The office of the Chief of Police shall maintain the record and be the official repository of all complaints made against the Department or its members. Such records, which are filed by year, will be maintained by the Chief of Police in accordance with applicable federal and/or State law.
- D. In accordance with sec. 66.0511(3), Stats., the Department shall make available for public scrutiny the specific procedures to be followed for registering and resolving a complaint by any person regarding the conduct of the Department or one of its members.

III. ACCEPTANCE OF COMPLAINTS

- A. All members of the Department are charged with the responsibility for courteously and willingly receiving any complaint that may be lodged against the Department or any member, to include complaints made over the telephone or received by mail. Generally, complaints received by telephone or in person should be referred to the Sergeant or Chief of Police.
- B. Complaints should be documented on the Citizen Complaint Form (see Attachment I), dated and time stamped, and then immediately forwarded to the office of the Chief of Police in a sealed envelope.
- C. If the Sergeant or Chief of Police makes a preliminary investigation or attempts to resolve the complaint at the time it is made, this activity should be documented in a special report which should be attached to the Citizen Complaint Form.
- D. The complainant should be encouraged to file legitimate complaints against officers in person. Complainants will also be reminded that they will be held responsible for filing false and malicious allegations and that appropriate legal proceedings could be instituted by the Department or individual officer(s).
- E. The Citizen Complaint Form should be processed in the manner prescribed in the following section.

IV. PROCESSING OF COMPLAINTS AND ASSIGNMENT

- A. For all complaints received against the Department or its members, a Citizen Complaint Form and all attachments should be placed in a sealed envelope and forwarded to the office of the Chief of Police. The Chief or a designee shall cause a record to be made and maintained of the complaint, assign a control number, and make assignment of an appropriate investigator.

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- B. Certain types of complaints will be routinely assigned to the member's supervisor. These are known as Class I complaints and include:
1. Complaints of harassment, which is defined as a complaint that the taking or failing to take method of police action or other abusive discretion was predicated on irrelevant factors such as race, attire, sex, age, etc.
 2. Demeanor, which is defined as a complaint regarding a member's bearing, gestures, language or other actions which are offensive or of doubtful social propriety or give the appearance of conflict of interest, misuse of influence, or lack of jurisdiction or authority.
 3. Violation of Department rules and regulations, particularly those involving neglect of duty, malingering, untidiness, faulty driving or failure to follow procedures, but not including criminal activity, insubordination, intoxication, or other more serious rule infractions.
- C. Other types of complaints are known as Class II complaints and will be handled by the Chief of Police or his designee. This designee may come from an outside agency. Complaints will be assigned in this manner under the following circumstances listed:
1. Criminal activity
 2. Complaints against ranking personnel
 3. Sexual harassment
 4. Excessive force
 5. Any other investigation as may be designated by the Chief of Police
- D. Except in the case of anonymous complaints, upon receipt of any complaint by the assigned investigator, a copy of the Citizen Complaint Form should be furnished to the complainant along with a cover letter which provides verification to the complainant that the complaint has been received for processing, the identity of the supervisor, and the procedure which will be followed. This letter will also indicate that the person in charge of the complaint will be available to the complainant in the event of any questions which may develop at a later date.
- E. The status of all investigations shall be communicated to the complainant periodically during and at the conclusion of the investigation. The degree of specificity of such notice shall be at the discretion of the Chief of Police.

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- F. If allegations of a citizen cannot be substantiated by independent sources, the Department may request the citizen formally make their complaint under oath using the Citizen Complaint and Affidavit (Attachment II) before proceeding further with the investigation.

V. DUTIES OF THE ASSIGNED INVESTIGATOR

It is the duty of the **investigator** to ensure that the integrity of the Department is maintained through a system of intensive, impartial internal investigation and review where objectivity and fairness are assured all parties concerned. The specific duties and authority of the assigned investigating supervisor are as follows:

- A. Conduct a comprehensive investigation of the assigned matter consistent with Department Policy and guidelines on internal investigations.
(See **Palmyra Police Department** Internal Investigations Policy.)
- B. An assigned **investigator** shall have the authority to interview any member of this Department and to review any record or report of the Department relative to their assigned investigation. In regard to these duties, the **investigator** is under the direct authority of the Chief of Police.
- C. Preliminary or interim reports, when appropriate, will be made only to the Chief of Police. The **investigator** will treat information relating to the assigned investigation as confidential.
- D. Upon completion of the investigation, the final report and all supporting documentation will be presented to the Chief of Police.
- E. At the discretion of the Chief of Police, the **investigator** may be assigned the additional duty of informing the complainant of the results of the investigation.

VI. REVIEW AND APPEAL

- A. Upon completion of the Department investigation of a citizen complaint, the citizen complainant shall be advised in writing of the results of the investigation and informed that they may request to discuss the matter further with the Chief of Police.
- B. Members of the Department also have review and appeal procedures as afforded under Wisconsin Statutes, current collective bargaining agreements, and Department Policy pertaining to disciplinary actions.

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VII. POLICE AND FIRE COMMISSION

- A. It is the current policy of the Palmyra Police and Fire Commission to refer all citizen complaints to the Department for investigation. In these cases, the investigation shall be received and investigated in the manner provided by this **Policy**.
- B. The Chief of Police will provide an annual statistical report to the Police and Fire Commission based on records of internal investigations. This statistical report will be made available, upon request, to the public and to agency employees.
- C. **The Chief of Police will conduct an annual review of all complaints to determine if there are any patterns, tendencies, or other issues that may need to be addressed. This will be done contemporaneously with the annual statistical report.**

Approved:

Scott D. Pavlock
Chief of Police

(ATTACHMENT I)

Village of Palmyra Public Safety Department

126 N. First St.

Palmyra, WI 53156

CITIZEN COMPLAINT FORM

Complainant: _____

Address: _____

Phone: _____ (Home) _____ (Work)

Briefly state the nature of the complaint:

(Use additional sheet if necessary and supply the names and addresses of other persons who have direct knowledge supporting this complaint).

NOTE: Wisconsin Statute 946.66 states “Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture” [not to exceed \$10,000].

Signature of Complainant (if present)

This form is to be sealed in an envelope and immediately forwarded directly to the Chief of Police.

FOR OFFICE USE ONLY

Date & Time Complaint Received

Supervisor Taking Complaint

Officer(s) Involved (If known)

Place Complaint Taken &
How It Was Received

Date & Time Received by the
Chief of Police

Investigating Officer Assigned

Control Number _____

(ATTACHMENT II)

VILLAGE OF PALMYRA
POLICE DEPARTMENT

CITIZEN COMPLAINT AND AFFIDAVIT

STATE OF WISCONSIN)
)SS
JEFFERSON COUNTY)

_____, being first duly sworn, on oath deposes and says that:

Signature of Complainant

Subscribed and sworn to before me
This ____ day of _____, ____.

Notary Public, Wisconsin
My commission expires: