SHERIFF'S VISION

To be a model public safety agency based on service and trust.

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LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve humanity: to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession…law enforcement.

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MISSION STATEMENT

To serve and protect everyone within Milwaukee County with fairness, integrity, and respect.

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GOALS AND OBJECTIVES
Our goal is to SERVE.

S upport innovative programs and technology that promote public safety and community engagement.

E nhance the relationship between the community and law enforcement.

R estore the quality of life for those who live, work, pray, and play in our parks, drive on our highways and roads, and live throughout the county.

V alue an increased community understanding about MCSO services that builds trust, promotes accountability, and increases transparency.

E valuate organizational performance and make changes to enhance professional development throughout the agency.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Milwaukee County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

100.3 DEPUTY'S LAW ENFORCEMENT POWERS

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MILWAUKEE COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Milwaukee County Sheriff's Office includes (Wis. Stat. § 968.07):

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

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION AND WITHIN THE STATE

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

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

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

(c) The deputy is acting to respond to one of the following:

1. An emergency situation that poses a significant threat to life or of bodily harm.
2. Acts that the deputy reasonable believes constitutes a felony.

100.3.3 OFF-DUTY DEPUTY ARREST AUTHORITY

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

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

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

(c) The off-duty deputy 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 DEPUTY ASSISTANCE

This agency 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, a deputy, 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 DEPUTY TRIBAL ASSISTANCE

This agency 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
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 agency and the tribal law enforcement agency have in place an agreement under which this agency 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.

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100.5 INTERSTATE DEPUTY POWERS

Deputy 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 a deputy 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 a deputy makes an arrest in another state, the deputy 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 CONSTITUTIONAL REQUIREMENTS

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

100.7 JURISDICTIONAL BOUNDARIES

The Chief Deputy 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.

100.8 INDIAN COUNTRY

Deputy 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, a deputy of the Milwaukee County Sheriff's Office has concurrent jurisdiction over a crime committed in Indian country.

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that, when appropriate, agency members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Agency and the dedication of its members to their duties.

102.3 OATH OF OFFICE

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

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

State of Wisconsin,

County of _____,

I, the undersigned, who have been elected (or appointed) to the Milwaukee County Sheriff's Office, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability, so help me God.

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

_____ (Signature)

If the oath of office is administered orally in addition to the required written oath it shall be in substantially the following form (Wis. Stat. § 19.01(1m)):

I, _____, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of the Milwaukee County Sheriff's Office to the best of my ability. So help me God.

If a member is opposed to the words “so help me God” the words may be omitted.

102.3.1 LAW ENFORCEMENT OATH OF HONOR

The Milwaukee County Sheriff's Office adheres to the public affirmation of the Law Enforcement Oath of Honor, which serves to enhance integrity and demonstrate the agency’s commitment to the highest of ethical standards. The Oath of Honor shall be displayed throughout the Agency. Frequent recitation by members of the Milwaukee County Sheriff's Office is encouraged.

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Members are encouraged to take the following Law Enforcement Oath of Honor verbally to demonstrate their commitment:

On my honor,

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

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

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

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Milwaukee County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this agency. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.2.2 COLLECTIVE BARGAINING AGREEMENTS

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

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

103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws.

103.4 DEFINITIONS

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

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Policy Manual

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

Agency/MCSO - The Milwaukee County Sheriff's Office

CFR - Code of Federal Regulations.

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

Correctional Officer - Al persons, regardless of rank, who are employees and who are selected and trainined in accordance with state law as correctinoal officers of the Milwaukee County Shieriff's Office.

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

Deputy - Those employees, regardless of rank, who are sworn peace officers of the Milwaukee County Sheriff's Office.

Employee/personnel - Any person employed by the Agency.

LESB - The Wisconsin Law Enforcement Standards Board.

Manual - The Milwaukee County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - This term applies to all persons who are employed by, approinted by or have a contractual relationship to provide services in the Milwaukee County Sheriff's Office, including:

- Full-time or part-time employees
- Sworn or non-sworn officers
- Civilian employees
- Volunteers
- Staff of contracted entities

On Call - An employee's status requiring the person to be available during specified hours.

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

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

Peace officer - Any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized

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to make arrests for violations of the laws or ordinances that the person is employed to enforce. The term includes sworn full-time and part-time deputies who perform the duties of a peace officer.

Public safety officer- Those employees who are non-sworn and perform certain assigned security tasks in County facilities

Rank - The title of the classification held by a deputy or correctional officer.

Shall or will - Indicates a mandatory action.

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

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

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

Sworn officer -– An employee certified by LESB to perform the duties of a law enforcement officer.

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

USC - United States Code.

WisDOC - The Wisconsin Department of Corrections.

WisDOJ - The Wisconsin Department of Justice.

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

WisDOT - The Wisconsin Department of Transportation.

WILENET - The Wisconsin Law Enforcement Network.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual - Law Enforcement will be made available to all members on the agency network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

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

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103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff or the authorized designee will ensure that the Policy Manual is reviewed, at a minimum, every three years, and updated as necessary.

103.7 REVISIONS TO POLICIES

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

Members are responsible for checking the Lexipol Knowledge Management System (KMS) to keep up-to-date on all Policy Manual revisions.

Each Divisional Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All agency members suggesting revision of the contents of the Policy Manual shall forward their written suggestions through their respective chain of command to their Divisional Commanders, who will consider the recommendations and forward them to the Training Academy as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 POLICY

The Milwaukee County Sheriff's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Agency. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 BUREAUS

The Sheriff is responsible for administering and managing the Milwaukee County Sheriff's Office. There are three bureaus in the Agency:

- Administration
- Investigative Services Bureau
- Police Services Bureau
- Detention Services Bureau

200.3.1 ADMINISTRATION

The Sheriff's Administration is commanded by the Sheriff and includes the management of the agency budget, agency-owned property, and the designation of the custodian of records. Administration consists of Legal and Compliance, Human Resources, Public Records, Professional Standards Division, and the Training Academy. The Chief Deputy is the Sheriff's designee and has signature authority for the Sheriff.

The Chief Deputy oversees the three bureaus, Fiscal Affairs, Public Affairs and Community Engagement (PACE), and daily operations. PACE oversees the Honor Guard Unit.

The Chief Legal and Compliance Officer oversees Public Records, the Professional Standards Division, and the Training Academy.

200.3.2 INVESTIGATIVE SERVICES BUREAU

Investigative Services Bureau is commanded by the assigned Inspector, whose primary responsibility is to provide general management direction and control for the Investigative Services Bureau. Investigative Services Bureau consists of Criminal Investigations Division, Law Enforcement Analytics Division, MATRIX Division (Milwaukee Area Threat Reduction and Intelligence Exchange), Crisis Assessment and Response Team (CART), and the Drone Unit.

The Investigative Services Bureau Inspector shall oversee CompStat, criminal intelligence, and the Fusion Center.

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200.3.3 POLICE SERVICES BUREAU
Police Services Bureau is commanded by the assigned Inspectors, whose primary responsibility is to provide general management direction and control for the Patrol Division, Airport Division, Courts Division, Field Deputy Division, Parks Unit, Canine Unit, Maritime Unit, Motorcycle Unit, SWAT, MRT, and Bomb Squad.

200.3.4 DETENTION SERVICES BUREAU
Detention Services Bureau is commanded by the assigned Director, whose primary responsibility is to provide general management direction and control for the Milwaukee County Jail.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all personnel in the Agency. During planned absences the Sheriff will designate the Chief Deputy to exercise command over all personnel in the Agency.

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

(a) Chief Deputy

(b) Inspector

(c) Divisional Commander

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

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

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

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible

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for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.

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

200.5 AUTHORITY AND RESPONSIBILITY

Each member will be assigned duties and responsibilities and is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

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Agency Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 AGENCY DIRECTIVE PROTOCOL

Agency Directives will be incorporated into the manual, as required, upon approval by the Sheriff or the authorized designee. Agency Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

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

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

201.2 RESPONSIBILITIES

201.2.1 SHERIFF OR THE AUTHORIZED DESIGNEE

The Sheriff or the authorized designee shall issue all Agency Directives that are in writing.

The Sheriff or the authorized designee shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by an Agency Directive.

201.3 ACCEPTANCE OF AGENCY DIRECTIVE

All employees are required to read and obtain necessary clarification of all Agency Directives. Agency Directives will be sent via email for distribution and read at roll call.

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Administrative Communications

202.1 PURPOSE AND SCOPE

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

202.2 PERSONNEL ORDERS

Personnel orders may be issued periodically by the Sheriff or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

Personnel orders are not Agency Directives and vice versa. Refer to the Agency Directives Policy for additional guidance.

202.3 CORRESPONDENCE

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

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

202.4 SURVEYS

All surveys made in the name of the Agency shall be authorized by the Sheriff or the authorized designee or a Divisional Commander.

202.5 OTHER COMMUNICATIONS

Agency Directives and other communications necessary to ensure the effective operation of the Agency shall be issued by the Sheriff.

202.5.1 ADMINISTRATIVE REPORTS

The Milwaukee County Sheriff's Office participates in an administrative reporting program. The Administration Divisional Commander shall develop and maintain a list of all administrative reports created by the Milwaukee County Sheriff's Office that minimally includes:

(a) The position within the organization that is responsible for the formulation of each report.

(b) The purpose, frequency and distribution of each report.

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Emergency Operations Plan

203.1 PURPOSE AND SCOPE

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

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

203.2 POLICY

The Milwaukee County Sheriff's Office will prepare for large-scale emergencies, including but not limited to civil disturbances, mass arrests and acts of terrorism, within and outside its jurisdiction through planning and mutual cooperation with other agencies.

203.3 AGENCY RESOURCES

The Agency shall use its resources first in an emergency or disaster. The Milwaukee County Sheriff's Office may call for assistance from other jurisdictions or the State of Wisconsin during events that overwhelm or threaten to overwhelm agency response and recovery resources.

203.4 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

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

203.4.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of Milwaukee County Sheriff's Office are subject to immediate recall. Members may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

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

203.5 LOCATION OF THE PLAN

The Emergency Operations Plan is available in Administration.

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The State Emergency Management Plan and additional regional information can be found on the Wisconsin Department of Military Affairs, Division of Emergency Management website at https://dma.wi.gov/DMA/wem.

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Law Enforcement Training

204.1 PURPOSE AND SCOPE

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

204.2 PHILOSOPHY

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

204.3 OBJECTIVES

The objectives of the training program are to:

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

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

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

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

204.4 TRAINING PLAN

It is the responsibility of the Training Director to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and agency-required training is completed by all deputies. The plan shall include a systematic and detailed method for recording and logging of all training for all deputies. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Director shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of deputies.

Training listed may be provided in basic training programs. The Training Academy shall track deputy certification hours and shall notify any deputy who is out of compliance. It is each deputy's responsibility to ensure the necessary training is completed to maintain certification. For purposes of LESB reporting obligations, the time period for annual training begins July 1 and ends June 30.

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204.4.1 MANDATED TRAINING

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

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

204.4.2 AGENCY TRAINING REQUIREMENTS

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

(a) Continuity of Operations Plan (COOP) (supervisors and other appropriate personnel yearly), includes:

1. Familiarization with the COOP and the roles agency personnel will play when the plan is activated.
2. A full or partial exercise, tabletop or command staff discussion.

(b) CPR/First-aid refresher (every two years)

(c) Handgun qualification yearly

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

(e) All use of force policies (all deputies review yearly)

(f) Search, seizure and arrest legal updates

(g) Ethics (all deputies every three years)

(h) Pursuit and emergency response (every two years)

204.4.3 SPECIALIZED TRAINING

The Training Director is responsible for maintaining a list of assignments that require specialized training and who is responsible for providing that training. In addition, the Training Director or the authorized designee shall ensure that the following training requirements are provided as needed:

(a) Skill development training upon promotion by the Training Director.

(b) Skill development training upon assignment to a specialized position by the specialized unit commander.

204.4.4 REMEDIAL TRAINING

The Training Director shall ensure that the following remedial training requirements are provided as needed:

(a) Situations under which remedial training shall be administered

(b) Timeline for completion

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(c) Consequences for failure to successfully complete (e.g., referral to Professional Standards Division)

204.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training needs assessment and complete a report of the training needs, including any recommendations. Recommendations for training needs may be submitted to the Training Director by:

- Sheriff's Administration
- Bureau Commander
- Use of Force Review Board
- Division Commander
- Professional Standards Division

The Training Director will consider the recommendations and determine what training should be addressed, taking into consideration the mission of the Agency and available resources.

The training needs assessment report will be provided as needed to the Sheriff or the authorized designee. Upon review and approval, the training needs assessment will form the basis for the training plan for the following fiscal year.

204.6 TRAINING PROCEDURES

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

1. Court appearances
2. Sick leave
3. Physical limitations preventing the deputy’s participation
4. Emergency situations

(b) When a deputy is unable to attend mandatory training, that deputy shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The deputy will also notify the instructor or training facility of his/her absence, as necessary.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Director to attend the required training on an alternate date.

204.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Milwaukee County Sheriff's Office Policy Manual and other important topics.

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Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Director.

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

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

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

204.8 TRAINING RECORDS

The Training Director is responsible to manage and distribute training records in compliance with the Training Files section in the Personnel Records Policy.

204.9 FIELD TRAINING PROGRAM

The Training Director shall establish a field training program for deputy recruits that is of sufficient duration to provide for the adequate orientation and training of the new deputy in the lawful operations of the Agency. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of deputy recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

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Electronic Mail

205.1 PURPOSE AND SCOPE

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

205.2 EMAIL RIGHT OF PRIVACY

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

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

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

205.3 PROHIBITED USE OF EMAIL

The County email system shall not be used for personal purposes unless that use is authorized in writing by the Sheriff.

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

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

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

205.4 EMAIL RECORD MANAGEMENT

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

The Custodian of Records, in cooperation with the Information Management Service Division, shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two supervisors on-duty whenever possible, but at least one supervisor shall be on-duty.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate unforeseen circumstances, a deputy may be used temporarily as a deputy-in-charge in place of a field supervisor.

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Law Enforcement Officer Safety Act Policy

207.1 PURPOSE AND SCOPE

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

207.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

- Separated from this agency in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.
- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than

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10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Agency.

- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Agency acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.
- Resides in Wisconsin.

207.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to facilitate compliance with federal and state law by providing a certification card when appropriate.

207.3 CERTIFICATION CARD

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

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

207.3.1 FEES

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

207.3.2 CARD REVOCATION

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

207.4 AUTHORITY TO CARRY CONCEALED FIREARM

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

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

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

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

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

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

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

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

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

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

207.5 PROHIBITION

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

207.6 IDENTIFICATION CARDS

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

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Budget Management

208.1 PURPOSE AND SCOPE

This policy provides guidelines for department budgeting and accounting.

208.2 POLICY

The Milwaukee County Sheriff's Office endeavors to appropriately obtain, manage, review and audit department funds.

208.3 BUDGET PREPARATION AND MANAGEMENT

Each Divisional Commander or the authorized designee shall be responsible for preparing an annual budget proposal for review by the Sheriff and the Public Safety Fiscal Administrator.

Adopted budgets shall be reviewed and monitored periodically by Divisional Commanders to ensure expenditures do not exceed allocated funds.

208.3.1 ACCOUNTING

The Public Safety Fiscal Administrator shall be responsible for developing and maintaining an accounting system that includes approval of each account and provisions for monthly status reports including, but not limited to:

- The initial appropriation for each account or program.
- The account or program balance at the start and end of the reporting period.
- Expenditures and encumbrances made during the reporting period.
- The unencumbered balance of the account or program.

Accounting practices for cash accounts are described in the Cash Handling, Security and Management Policy.

208.4 AUDITS

Audits of the department’s fiscal activities should occur periodically in accordance with established procedure.

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Law Enforcement Officer Safety Act Procedure

209.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide authorized members direction in how to process a request for Law Enforcement Officer Safety Act (LEOSA) Certification.

209.2 GENERAL CONSIDERATIONS

Qualified former employees are required to successfully complete the State-approved handgun qualification with each firearm they wish to carry.

Qualified former employees are not required to complete their firearm qualifications at this facility, or with this Agency. They may complete the State-approved handgun qualification at any approved institution and provide documentation of qualification.

Qualified former employees completing their qualification at this Agency must provide their firearm, appropriate holster, and ammunition. The Agency will provide body armor, targets, and eye and ear protection. There are additional fees for range time.

209.2.1 FORMER EMPLOYEE REQUIRED DOCUMENTATION

The former employee should print and complete the required forms:

- Law Enforcement Officer Safety Act registration form
- Background questionnaire which must be notarized
- Certification of residency
- Signed Law Enforcement Officer Safety Act knowledge verification form
- Risk waiver
- Handgun qualification certificate, if applicable

209.3 PROCEDURE

Any member who receives an inquiry should direct the former employee to the Sheriff’s website.

Employees who have left the Agency within the last year, successfully qualified, and wish to be certified with the same off-duty weapon that was approved by the Training Academy while an employee of the Sheriff's Office, do not have to complete the firearms qualification course. They are subject to the $20 administrative fee. The former employee shall completed the Release Waiver of Liability and Assumption of Risk form.

209.3.1 RANGE QUALIFICATION

If the former employee wishes to qualify with this Agency, he/she shall contact the Training Academy and schedule a range date. A risk waiver shall be signed before the qualification. The fee for range time is $40.00 per hour.

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209.3.2 POST-QUALIFICATION SUBMISSION OF APPLICATION

After a successful qualification, a former employee shall submit the required paperwork to the Training Academy Rangemaster or the authorized designee. There is a $20 administrative fee for each applicant.

209.3.3 RANGEMASTER RESPONSIBILITIES

The Rangemaster or the authorized designee shall:

1. Verify that all submitted forms are completed.
2. Collect appropriate payment from the former employee.
   (a) Payment for administrative fees: $20.00
   (b) Payment for administrative fees and one hour of range time: $60.00
3. Create a packet or folder containing all of the required paperwork.
4. Confirm with Human Resources and The Professional Standards Division that the former employee separated in good standing and served for a minimum of 10 years in law enforcement.
5. Forward the completed packet to Criminal Investigations Division/Backgrounds for a background check.
6. Forward the completed folder to the Chief Deputy for authorization.
7. Take or obtain a current photograph of the former employee. Forward the photograph and a copy of the LEOSA applicant approval to Criminal Justice Facility Records & Identification, and formally request a LEOSA identification card.
8. File the completed packet appropriately.
9. Enter the approval information in the appropriate tracking sheet.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

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

Imminent - About to happen. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy or correctional officer reasonably believes any of the following:

(a) The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use if against the deputy or correctional officer or another.

(b) The person is capable of causing great bodily harm or death without a weapon and it is reasonable to believe the person intends to do so.

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

Use of force - The application and/or use of physical techniques or tactics, chemical agents, or weapons to another person (e.g., compliance hold, hand strike, baton strike, decentralization, directing a subject to a surface) or any action that would likely cause an injury, impede breathing or blood flow to the head, or may render a person unconscious. It is not considered a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Use of force team technique - Ordinarily involves trained staff clothed in protective gear, who enter a subject’s area in tandem, each with a specific task, to achieve immediate control of the subject.

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300.2 POLICY

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

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

The Agency recognizes and respects the value of all human life and dignity. Vesting deputies and correctional officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT WITHOUT RETALIATION

All deputies and correctional officers have an affirmative obligation to protect the public and other members from excessive use of force. Regardless of rank, any deputy or correctional officer present and observing another officer using prohibited, inappropriate, or unreasonable force (including applying force when it is no longer required) must, if a reasonable opportunity exists, intercede by verbal and physical means to prevent the use of unreasonable force. A deputy or correctional officer who observes a use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor. Failure to intercede as indicated above, will result in discipline to the same severity as if they themselves engaged in the unreasonable force.

This agency prohibits retaliatory conduct against, or interference with, an employee who reports or seeks to report any violation of this policy. (See Anti-Retaliation Policy)

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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Given that no policy can realistically predict every possible situation a deputy and correctional officer might encounter, deputies and correctional officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies and correctional officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Agency. Deputies and correctional officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement or correctional purpose.

Nothing in this policy requires a deputy or correctional officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

(b) The behavior of the individual being confronted, as reasonably perceived by the deputy or correctional officer at the time.

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

(d) The effects of drugs or alcohol.

(e) Subject’s mental state or capacity.

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

(g) Proximity of weapons or dangerous improvised devices.

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

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

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

(k) Training and experience of the deputy.

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

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

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

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

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

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

(r) Any other exigent circumstances.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies and correctional officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies and correctional officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies and correctional officers are encouraged to use techniques and methods taught by the Milwaukee County Sheriff's Office for this specific purpose.

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.5 PROHIBITIONS ON NECK RESTRAINTS AND CHOKEHOLDS

The agency does not teach or train the use of neck restraints, chokeholds, or carotid control holds (e.g., lateral vascular neck restraint). The use of neck restraints, chokeholds, or any maneuver or tactic that prevents breathing or obstructs an individual's airway is prohibited unless a deputy or correctional officer must protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or great bodily harm.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) A deputy or correctional officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or great bodily harm.

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(b) A deputy or correctional officer may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction of great bodily harm or death, and the deputy reasonably believes that there is continued significant threat to the public, and the deputy reasonably believes there is no other way to capture the subject, and only as a last resort. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at the operator of a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this agency shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy or correctional officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the use of force.

300.5.2 REPORTING TO WISCONSIN DEPARTMENT OF JUSTICE

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

(a) The discharge of a firearm by a deputy at or in the direction of a civilian.

(b) The discharge of a firearm by a civilian at or in the direction of a deputy.

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

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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Medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy, correctional officer, and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

Absent exigent circumstances, a supervisor shall respond to an incident in which there has been a reported use of force, the supervisor is expected to:

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

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

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

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

(e) Review and approve all related reports.

(f) Make the appropriate administrative notifications.

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

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300.7.1 DIVISIONAL COMMANDER RESPONSIBILITY
The Divisional Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 POLICY AVAILABILITY
The Sheriff or the authorized designee should ensure that this policy (Wis. Stat. § 66.0511):

(a) Is made available free of charge within three business days of the request.

(b) Is publicly available on the agency website and updated promptly upon amendment.

300.9 TRAINING
Deputies and correctional officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.10 USE OF FORCE ANALYSIS
At least annually, the Professional Standards Division Divisional Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

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

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Milwaukee County Sheriff's Office to review the use of force by its employees that results in a discharge of a firearm, great bodily harm or death to another, or at the discretion of the Sheriff or the authorzed designee.

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

301.2 POLICY

The Milwaukee County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using agency equipment, results in death or great bodily harm to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff or the authorized designee may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, authorized euthanizing of an animal, or recreational use. The use of a kinetic energy weapon (e.g., beanbag shotgun) will be considered on a case-by-case basis.

The Sheriff or the authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief Legal and Compliance Officer or the authorized designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Divisional Commander of the involved employee to notify the Professional Standards Division Commander of any incidents requiring board review. The involved employee's Divisional Commander will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Training Director should select five Use of Force Review Board members from the following, as appropriate:

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- Training Director or designee
- Professional Standards Division Commander or designee
- A supervisor from a different division of the involved employee
- A supervisor from the involved employee's chain of command that was not involved in the incident
- Agency instructor for the type of weapon, device or technique used
- Any member as selected by the Sheriff or the authorized designee

The Training Director will serve as chairperson. The Chief Legal and Compliance Officer may be present as a non-voting observer or consultant.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. If an employee is requested to appear, he/she may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) Administrative approval – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances

(b) Improve tactics, decision making and/or understanding of policy - The use of force was within Agency policy, procedure, and/or reasonable given the circumstances, but the employee's tactics, decision making, or policy understanding could be improved. Additional training should be provided.

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(c) No use of force violations; other Agency violations noted or discovered – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances, but other agency violations not related to the use of force were discovered and will be handled as appropriate.

(d) Policy or agency training issues - The use of force was reasonable given the circumstances, and a review of Agency policy or training is recommended.

(e) Administrative disapproval/policy violation – The use of force was not within Agency policy, procedure, and training, and/or not reasonable or excessive given the circumstances.

A recommended finding requires a majority vote of the board. The board chairperson will submit the written recommendation to the Sheriff or the authorized designee.

The Sheriff or the authorized designee shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the Sheriff or the authorized designee concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Professioinal Standards Division and notification of the findings should be made to the involved officers..

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The Milwaukee County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Milwaukee County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

302.3.4 NOTIFICATIONS
Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

Only agency-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., running away from the arresting deputy while handcuffed, kicking at objects or deputies).

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

(d) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

302.8 REQUIRED DOCUMENTATION

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

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

302.9 TRAINING

Subject to available resources, the Training Director should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

In order to control subjects who are resistive or who demonstrate the intent to be resistive, the Milwaukee County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Sheriff or the authorized designee.

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

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

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

303.4 RESPONSIBILITIES

303.4.1 INVENTORY RESPONSIBILITIES

The Training Academy shall control the inventory and issuance of all control devices (e.g., batons, OC) not issued to specialized teams and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Each specialized team (e.g., SWAT, MRT, EOD) shall control the inventory and issuance of all specialized control devices issued to those specific teams and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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

303.4.2 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the responsible authority for disposition. RMS reports shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

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

303.6 CHEMICAL IRRITANT GUIDELINES

Chemical irritants (e.g., pepper projectiles, CS) may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the SWAT Commander, SWAT Team Leader, Incident Commander, or MRT Commander may authorize the delivery and use of chemical irritants, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

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303.9.1 DEPLOYMENT AND USE

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

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

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

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

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

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

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

303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject’s proximity to others.

(e) The location of the subject.

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

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

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

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

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303.9.3 SAFETY PROCEDURES

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

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

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

303.10 TRAINING FOR CONTROL DEVICES

Training of any specialized team control devices shall be conducted by the respective team commander or the authorized designee and training records shall be maintained by the respective team. Copies of training records shall be provided to the Training Academy for the respective deputy's training file.

The Training Director shall ensure that any deputy not part of a specialized team who is authorized to carry a control device has been properly trained and certified to carry the specific control device and is retrained or recertified as necessary.

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

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

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and/or will be subject to discipline up to and including discharge.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Electronic Control Devices

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electronic Control Device (ECD)s.

304.2 POLICY

The ECD is intended to control a resistive or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and subjects.

304.3 ISSUANCE AND CARRYING ECDS

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

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

Members carrying the ECD should perform a spark test on the unit prior to every shift.

When carried while in uniform, deputies shall carry the ECD in a reaction-side holster on either the Sam Browne belt or load-bearing vest carrier.

(a) Whenever practicable, deputies should carry two cartridges on their person when carrying the ECD.

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

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

304.4 VERBAL AND VISUAL WARNINGS

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

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

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

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

304.5 USE OF THE ECD

304.5.1 APPLICATION OF THE ECD

The ECD may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

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(a) The subject is physically resisting.

(b) The subject has threatened to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the ECD in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

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

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the ECD probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE ECD

Deputies should apply the ECD for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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Deputies should generally not intentionally apply more than one ECD at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Deputies shall notify a supervisor of all ECD discharges. If there is a serious or unexpected injury or death, AFID tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.

304.5.6 DANGEROUS ANIMALS
The ECD may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.6 DOCUMENTATION

Deputies shall document all ECD discharges in the related arrest/crime report and the records management system (RMS). Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will also be documented in RMS.

304.7 MEDICAL TREATMENT

Probes may be removed by a deputy if they are lodged in non-critical areas. If probes cannot be easily removed or are in critical areas (e.g., head, neck, chest, groin), only appropriate medical personnel should remove the probes. Used ECD probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically cleared prior to booking.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the ECD.

304.8 TRAINING

Personnel who are authorized to carry the ECD shall be permitted to do so only after successfully completing the initial agency-approved training.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

The policy of the Milwaukee County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

See OIS attachment for quick reference checklist : OIS-Attachment.pdf

See Public Safety Statement for further guidance : MCSO Public Safety Statement.pdf

305.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect’s actions.
- A criminal investigation of the involved officer’s actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred.

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

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

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved deputy's or correctional officer's conduct during the incident will be determined by the employing agency's protocol. When a deputy or correctional officer from this agency is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved deputy should initiate incident command. This deputy should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

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

(c) Request additional resources from the Agency or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

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

(f) Stay with an involved deputy until relieved.

(g) Brief the supervisor upon arrival.

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

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

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

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

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1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Commander and Milwaukee County OEM 911 Communications Division. If feasible, sensitive information should be communicated over secure networks.

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

(e) Assign a support officer to each involved deputy.

(f) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a hospital for evaluation.

1. Each involved deputy should be given an administrative order not to discuss the incident with other involved officers or members pending further direction from a supervisor.
2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon in a private location.

Should the incident occur outside of Milwaukee County, the first responding supervisor is responsible for the above duties, act as a liaison with the lead agency, and should ensure any involved deputy follows the applicable agency policies and procedures if there is a conflict.

305.5.3 SHIFT COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff, Chief Deputy, or Inspector.

All outside inquiries about the incident shall be directed to the Shift Commander.

305.5.4 SUPPORT OFFICER RESPONSIBILITIES

The on-scene supervisor or incident commander should assign a support officer as soon as possible, and preferably early in the incident.

The support officer may be any member requested by the involved officer, unless the requested member is involved in the incident, in which case another member shall be chosen.

The support officer's duties shall include:

- Serve as a sounding board for the involved officer
- Stay with the involved officer and assist him/her with initial needs that arise
- Serve as a liaison between the involved officer and incident commander

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- Escort the involved officer to assigned locations he / she may be asked to go to (e.g., hospital, police station)
- Prior to release from the hospital, the support officer should check with the lead investigator. When cleared by the lead investigator, the support officer should transport the involved officer to his/her home.
- Assist the involved officer in contacting family members as necessary. No family member of the involved officer will be brought to an incident scene.

305.5.5 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Chief Deputy
- Inspector of the involved officers assigned bureau
- Criminal Investigation Division Commander
- Milwaukee Area Investigative Team or other investigative agency as designated by the Sheriff
- Professional Standards Division
- Chief Legal and Compliance Officer
- Psychological/peer support personnel (i.e., POST)
- Chaplain
- Medical Examiner (if necessary)
- Milwaukee County Deputy Sheriff's Association representative
- Public Information Officer

305.5.6 INVOLVED OFFICERS

The responsibilities of an on-scene involved deputy include maintaining safety and security of the scene and any suspect until properly relieved. An involved deputy should provide public safety information to the first on-scene supervisor.

The following shall be considered for the involved officer:

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

1. Involved deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-agency officers should be referred to their employing agency.

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

(c) A fitness-for-duty exam may be required (see the Fitness for Duty Policy).

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

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

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death.

Prior to being released to active duty, the involved officer (s) will demonstrate proficiency with their firearm.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. In the event of a death, the investigation must be conducted by no less than two investigators, one of whom is the lead investigator and neither of whom is employed by the MCSO (Wis. Stat. § 175.47(3)(a)).

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

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) Any interview shall not be conducted until the involved deputy has had at least two complete sleep cycles after the incident (i.e., 48 to 72 hours after the incident).

(b) Supervisors and Professional Standards Division personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(c) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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

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

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305.6.1 REPORTS BY INVOLVED DEPUTIES

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

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

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the assigned investigative team to handle the investigation of related crimes. Agency investigators will be

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assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any non-related crimes.

All related agency reports, except administrative and/or privileged reports, will be forwarded to the assigned investigative team. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Divisional Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this agency will conduct an internal administrative investigation of involved deputies to determine conformance with agency policy. This investigation will be conducted under the supervision of the Professional Standards Division and will be considered a confidential deputy personnel file.

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

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

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

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

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy’s physical and psychological needs have been addressed before commencing the interview. Any interview shall not be conducted until the involved deputy has had at least two complete sleep cycles after the incident (i.e., 48 to 72 hours after the incident).

2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual deputy’s statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator.

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4. The deputy shall be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)). A deputy should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Division shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Refer to the Portable Audio/Video Recorders and Mobile Audio Video policies or additional guidance.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Milwaukee County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The involved officer's Bureau Inspector or the authorized designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

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

305.10.2 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Criminal Investigation Division Commander, and Public Information Officer in the event of inquiries from the media.

No involved deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Divisional Commander.

305.12 REPORTING

If the death of an individual occurs in Milwaukee County Sheriff's Office custody, it shall be reported in compliance with Wis. Stat. § 165.845(2).

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Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.2 POLICY

The Milwaukee County Sheriff's Office will equip its members with firearms to address the risks posed to the public and agency members by violent and sometimes well-armed persons. The agency will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Agency and have been thoroughly inspected by the Rangemaster or his/her authorized certified armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized agency range.

All other weapons not provided by the Agency, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by agency policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Divisional Commander. This exclusion does not apply to the carrying of a knife as authorized by the Knife Policy.

306.3.1 HANDGUNS

The authorized agency-issued handgun is the Sig Sauer P320. Sworn members of the rank of lieutenant or above may carry a Sig Sauer P365XL. Sworn members assigned to plain-clothed positions may carry a Sig Sauer P365XL handgun with the approval of their respective Divisional Commander and the Rangemaster.

306.3.2 SHOTGUNS

The authorized agency-issued shotgun is the Remington 870P 12 gauge.

When not deployed, the shotgun shall be properly secured consistent with agency training; locked (e.g., secured in a weapons rack, secured in a trunk vault) in the squad car.

306.3.3 PATROL RIFLES

The authorized agency-issued patrol rifle is the Smith & Wesson MP15.

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

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

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

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

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

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

(f) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with agency training; locked (e.g., secured in a weapons rack, secured in a trunk vault) in the squad car.

306.3.4 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the agency list of approved firearms.

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

(c) The purchase of the handgun shall be the responsibility of the member unless the handgun is provided by the Agency.

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

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

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

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

306.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

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(a) The handgun shall be in good working order and shall be a model within the following parameters:

  (a) 9mm or.380 ACP; Glock or Sig Sauer,

  (b) If registered and approved by the Rangemaster prior to July 1, 2021

    (a) .40 S&W; Glock,

    (b) .380 ACP; Glock, Beretta, Browning, Ruger, Sig Sauer, Walther, Smith & Wesson

(b) The purchase and maintenance of the personally owned firearm shall be the responsibility of the member.

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

(d) The member shall not modify the firearm in any way without prior written authorization from the Rangemaster.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry agency-authorized ammunition.

(i) When armed, deputies shall carry their badges and Milwaukee County Sheriff's Office identification cards under circumstances requiring possession of such identification.

306.3.6 AMMUNITION

Members shall carry only agency-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all agency-issued firearms at the interval determined by the Rangemaster. Replacements for unserviceable or depleted ammunition issued by the Agency shall be dispensed by the Rangemaster when needed, in accordance with established policy.

306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

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

Firearms that are the property of the Agency shall be repaired or modified only by a person who is agency-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

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Any firearm deemed in need of repair or service by the Rangemaster will be immediately repaired if possible or removed from service. If the firearm is the member's primary duty firearm and cannot be repaired, a replacement firearm will be issued to the member until the duty firearm is serviceable.

Personally owned firearms that are approved for agency use may be repaired or modified only by a person who is agency-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

306.4.2 HOLSTERS
Only agency-approved holsters shall be used and worn by members while on-duty. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS
The Agency issues tactical lights for Sig Sauer P320 handguns. The tactical light shall be attached to the Sig Sauer P320 while on duty and in uniform.

The Agency provides a tactical light for use with the issued patrol rifle. The tactical light shall be removed before it is secured or stored. The tactical light may be attached to the weapon if needed when the rifle is deployed.

306.4.4 LASER SIGHTS
Laser sights are not permitted on any agency-authorized firearm.

306.4.5 EXTENDED MAGAZINE
Extended magazines are not authorized for duty use. A fifteen round magazine floor plate is authorized for use with the magazine(s) of an issued P365XL.

- Prior approval from the Rangemaster is required prior to the floor plate being installed
- Floor plate installation must be completed by an Agency authorized armorer
- Extended magazine floor plates must be of SIG Sauer manufacture and individually purchased by the user

306.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

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

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

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Agency, except where clearing barrels are present or on the range.

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

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

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training at the following frequency:

- Handgun: twice per year
- Shotgun: every other year
- Patrol rifle: once per year

All members will qualify at least annually with their normal duty carry handgun and shall meet or exceed the standards set by the Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85).Members will qualify with off-duty firearms, secondary firearms, and patrol rifles once a year. Members will qualify with shotguns every other year. Training and qualifications must be held on an agency-authorized range.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations (e.g., low-light shooting, force-on-force, high-risk scenarios).

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306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided immediate remedial training and a second attempt to qualify. Those members who fail on their second attempt will be subject to the following requirements:

(a) The member shall complete an Employee Performance Improvement Plan. The member and firearms instructor shall sign the plan.

(b) The member will be scheduled for a third qualification by his/her supervisor.

(c) If a member fails to qualify on his/her third attempt in a year, he/she will be removed from field assignment and may be subject to disciplinary action.

Members who fail to qualify in consecutive years are subject to the following:

- If a member fails to qualify on his/her second attempt in a year, he/she will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Divisional Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

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

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

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306.7.2 INJURED ANIMALS
With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS
Warning shots or shots fired for the purpose of summoning aid are not permitted.

306.8 FLYING WHILE ARMED

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

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

(b) Deputies must carry their Milwaukee County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Agency and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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

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

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

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

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

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

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

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

306.9 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry his/her Milwaukee County Sheriff's Office badge and identification card whenever carrying such firearm.

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

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

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

Deputies should be aware that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

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

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Vehicle Pursuits

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 deputies 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 deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect, absent exigent circumstances, is not more important than the safety of the public and pursuing deputies.

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. This includes circumstances where agency 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.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A pursuit is a following action at a reasonable distance. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy 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:

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

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

Complete roadblock - The use of one or more police vehicles or other obstructions to block a roadway so that any vehicle approaching the roadblock will be forced to stop or crash.

Controlled deflation device - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

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Paralleling - Replicating the speed and direction of a pursuit on contiguous roadways.

Partial roadblock - The placement of an object or objects on the roadway in a way that impedes or alters the normal flow of traffic to induce a fleeing vehicle to stop.

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

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

Trailing - When a deputy follows the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment.

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this agency 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 deputies 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

Deputies 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 offense and its relationship to community safety. Absent reasonable suspicion to the contrary; fleeing offenders should be treated as a traffic violator only.

(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 deputies, 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.

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(f) The pursuing deputy'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 deputies 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.

(l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies.

A deputy shall not engage in a pursuit when:

(a) A prisoner is in the vehicle.

(b) Any non-sworn passenger has not signed a waiver.

(c) The deputy is operating a motorcycle.

(d) He/she is operating the wrong way on a freeway, interstate, or highway, or on any divided roadway unless the conditions and circumstances meet the requirements authorizing the use of deadly force.

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 deputy 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)).

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 deputies 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 deputy's unfamiliarity with the immediate area or the direction of travel.

(c) The pursued vehicle's location is no longer definitely known.

(d) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive. The communication equipment fails or is out of range and it is unsafe to continue the pursuit.

(e) 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)).

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(f) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(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, deputies 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 deputy is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

307.4 PURSUIT UNITS

Pursuit units should be limited to four vehicles. A supervisor may approve of the use of additional squads if special circumstances dictate.

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

307.4.1 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.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy 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 unit should notify Milwaukee County 911 Communications Division, 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.

(h) The identity of other agencies involved in the pursuit.

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(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

If the primary unit is assigned as a two-deputy unit, the deputy-passenger should make the radio communications whenever practicable.

The primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES
The second deputy 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 deputy, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.4.4 TACTICS FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route on the roadway immediately parallel to the pursuit (e.g. the next street or next block)

A supervisor may authorize a deputy to trail a pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The field supervisor of the deputy 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 deputies and Milwaukee County 911 Communications Division 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 agency 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 the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(g) Control and manage MCSO units when a pursuit enters another jurisdiction.

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(h) Preparing a post-pursuit critique and analysis of the pursuit.

(i) Review all pertinent reports and videos for content and forward them to the Divisional Commander.

307.6 COMMUNICATIONS

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

307.7 INTERJURISDICTIONAL CONSIDERATIONS

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Milwaukee County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Milwaukee County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit should proceed to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit that was initiated by this agency 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.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The Milwaukee County Sheriff's Office participation in another jurisdiction's pursuit is appropriate only in response to a specific request for participation and the reason for the pursuit meets this policy standard. Mere notification of the existence of a pursuit shall not be construed as a request for participation. The Milwaukee County 911 Communications Division, upon notification, shall clarify the question of whether this agency is being requested to assist in the pursuit.

If another jurisdiction's pursuit is observed and this agency has not been notified, the observing deputy shall notify Milwaukee County 911 Communications Division, take up the rear position, and render assistance as needed.

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

In the event that a pursuit from another agency terminates within this jurisdiction, deputies 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

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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, tire deflation devices, boxing-in, PIT, ramming or roadblock procedures.

307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics may require supervisor approval, unless exigent circumstances exist. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy 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. Deputies 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 deputy 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 deputies, 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. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to deputies, the public and occupants of the pursued vehicle. This tactic shall only be used if the suspect vehicle is traveling 35 miles per hour or less. If the vehicle is traveling faster than 35 miles per hour, this tactic will be considered deadly force.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the criteria for deadly force must exist.

(c) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

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(d) Tire deflation devices should be deployed according to training and procedure. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. The suspect vehicle shall be taken into consideration when determining if tire deflation devices are appropriate. Tire deflation devices shall not be used on a motorcycle.

(e) The use of roadblocks shall be considered deadly force. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

Deputies should use the trained high-risk stop tactics to take the vehicle occupants into custody.

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 deputy shall complete appropriate crime/arrest reports.

(b) The primary deputy or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining available information, the on-duty field supervisor shall make proper notifications as described in the Major Incident Notification Policy.

(d) After receiving copies of reports, logs and other pertinent information, the Sheriff 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 Sheriff or the authorized designee shall direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).

(f) The supervisor reviewing a pursuit report shall ensure the report is submitted to Wisconsin State Patrol/Department of Transportation (Wis. Stat. § 85.07(8)(b)).

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will complete Law Enforcement Standards Board (LESB) training (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)).

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Deputy Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations whether dispatched or self-initiated (Wis. Stat. § 346.03(6)).

308.2 RESPONSE TO CALLS

Deputies responding to any call shall proceed immediately. Deputies responding to an emergency as an emergency response shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (Wis. Stat. § 346.03).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and property and does not protect the driver from the consequences of his/her reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the Wisconsin motor vehicle laws (Wis. Stat. § 346.03(5)).

Deputies should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not responding as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputies shall immediately notify Milwaukee County OEM 911 Communications Division.

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift Commander or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

308.4 INITIATING EMERGENCY RESPONSE

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify Milwaukee County 911 Communications Division. An emergency response of more than one unit should initiate notification of and coordination by Milwaukee County 911 Communications Division to avoid any unanticipated intersecting of response routes.

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308.5 RESPONSIBILITIES OF THE RESPONDING DEPUTY

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

During a call involving an emergency response, after giving a visual and audible siren or exhaust whistle, deputies may (Wis. Stat. § 346.03):

(a) Disregard regulations governing stopping, parking or standing when using a red or red and blue flashing, oscillating or rotating light.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

The decision to continue as an emergency response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Milwaukee County 911 Communications Division. A deputy shall also discontinue an emergency response when directed by a supervisor.

Upon determining that an emergency response is appropriate, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Milwaukee County 911 Communications Division of their determination. Any subsequent change in the appropriate response level should be communicated to Milwaukee County 911 Communications Division by the deputy in charge of the scene unless a supervisor assumes this responsibility.

308.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

While performing certain emergency response tasks, the use of emergency lights or sirens may increase the danger to the responding deputies or the public. In the following circumstances, deputies may exceed the speed limit without giving a visual and audible signal if (Wis. Stat. § 346.03(4)):

(a) The deputy is obtaining evidence of a speed violation.

(b) The deputy is responding to a call which the deputy reasonably believes involves a felony in progress and the deputy reasonably believes that knowledge of the deputy’s presence may:

1. Endanger the safety of a victim or other person, or

2. Cause the suspected violator to evade apprehension, or

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3. Cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony, or
4. Cause the suspected violator to cease the commission of a suspected felony before the deputy obtains sufficient evidence to establish grounds for arrest.

Any emergency response without the use of emergency lights and siren shall be conducted with due regard for the safety of the public and property and the recognition that such a response may not provide an exemption from the vehicle laws (Wis. Stat. § 346.03(5)).

Any emergency response without the use of lights or siren shall cease if the circumstances no longer warrant such a response.

308.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Commander or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

308.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly.

The deputy shall notify the Shift Commander, field supervisor or Milwaukee County 911 Communications Division of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol, Jail, and Airport Divisions to function primarily in assist or cover assignments. However, they may be assigned by the Divisional Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Divisional Commander.

309.4 CANINE COMMANDER

The Canine Commander shall be appointed by and directly responsible to the Chief Deputy or the authorized designee.

The responsibilities of the Commander include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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309.5 REQUESTS FOR CANINE TEAMS

Agency members are encouraged to request the use of a canine, as appropriate.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the shift commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports as directed.

309.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Canine Commander prior to making any resource commitment. The Canine Commander is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Canine Commander.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine

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momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor shall be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. Photographs of injuries shall be taken after medical care has been provided. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Canine Commander. Photographs of injuries shall be taken after medical care has been provided. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

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

A canine is not subject to quarantine if the canine is immunized against rabies. However, after a bite, the canine must be made available for examination at any reasonable time. The handler shall notify the local health department if the dog exhibits any abnormal behavior (Wis. Stat. § 95.21).

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

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309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation and has three years of experience as a Milwaukee County Sheriff's Office deputy sheriff.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Milwaukee County limits.

(e) Agreeing to be assigned to the position for a minimum of five years.

309.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all agency equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Milwaukee County Sheriff's Office facility.

(e) Handlers shall permit the Canine Commander to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Commander as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the Canine Commander.

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(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Commander or Shift Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Commander so that appropriate arrangements can be made.

309.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Canine Commander.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding (29 USC § 207).

309.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Canine Commander or Shift Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

309.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The Canine Commander shall coordinate with the Training Academy to schedule periodic training for all agency members in order to familiarize them with how to conduct themselves in the presence of agency canines. Because canines may be exposed to dangerous substances such as opioids,

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as resources are available, the Canine Commander should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the Canine Commander or Shift Commander.

309.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Milwaukee County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the Canine Commander.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Agency.

309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.12.3 TRAINING RECORDS

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

309.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Milwaukee County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); Wis. Stat. § 961.335; Wis. Admin. Code § CSB 3.05).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

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(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this agency.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Commander with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The Canine Commander shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Criminal Investigations Division or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Wis. Stat. § 941.31; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The Canine Commander shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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(f) Any lost or damaged explosive training aids shall be promptly reported to the Canine Commander, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the TSA canine representative.

309.13 TEMPORARY REMOVAL FROM SERVICE

Any supervisor of the rank of Shift Commander or above has the authority to remove a canine from active service for any justifiable reason. The supervisor taking action should notify the Canine Commander as soon as practicable.

309.13.1 CANINE RETIREMENT

The decision to retire the canine will be made by the handler, Canine Commander and the Sheriff or designee. The maximum age that a canine can be in service is 11 years. In the case of an EOD canine, the Transportation Security Administration and the attending veterinarian must also be consulted.

Upon the conclusion of the working life of the canine, the Sheriff or designee will determine the manner in which the canine will transition to retired life. In the event that the handler obtains ownership of the canine, appropriate paperwork will be completed, relieving the Agency of any responsibility for that canine.

If the handler is not offered or does not accept custody of the retired canine, the Sheriff or designee will make the determination of the placement of the canine.

If during the normal working life of a canine, the handler becomes unable to perform the duties of a canine handler, or the handler is promoted or transferred to a position outside the canine unit, the Sheriff or his designee will determine if and how the canine will be transitioned to a new handler.

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Domestic Abuse

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this agency to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders issued by a court related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Milwaukee County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic abuse cases puts deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise reasonable care for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

(a) Calls of reported, threatened, imminent, or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) Deputies should complete the Domestic Violence Lethality Screen For Law Enforcement Form with any identified victim.

(h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(j) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(k) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information on the CR215 form to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

310.4.3 LAW-ENFORCEMENT-INVOLVED DOMESTIC VIOLENCE
When responding to domestic abuse incidents involving law enforcement officers, the following procedures should be followed:

(a) Once deputies arrive on scene of a domestic abuse incident involving a law enforcement officer, the deputy should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.

(b) A supervisor of higher rank than the involved officer shall respond to the scene.

(c) The supervisor responding to the scene shall make notification to the agency Shift Commander, as soon as possible. In turn, the Shift Commander will brief the Sheriff of the authorized designee regarding the early investigative findings.

(d) The Professional Standards Division shall be notified regarding any agency member involved domestic violence investigations. If authorized based on agency protocol, the Professional Standards Division will conduct a separate workplace administrative investigation. The conduct of any agency employee shall comply with all existing Sheriff's Office rules, regulations, policies, procedures, and training.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the agency's domestic abuse information handout, even if the incident may not rise to the level of crime.

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1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

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(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

(a) Deputies with reasonable grounds to believe a person is committing or has committed within the last 28 days an act of domestic abuse that constitutes a crime shall arrest the person because any of the following apply (Wis. Stat. § 968.075(2)):

1. There is a 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 involved person subject to arrest was a predominant aggressor

(b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating deputy should only arrest the predominant aggressor. The deputy shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):

(a) The history of domestic abuse between the parties, if it can be reasonably ascertained by the deputy, and any information provided by witnesses regarding that history

(b) Statements made by witnesses

(c) The relative degree of injury inflicted on the parties

(d) The extent to which each person present appears to fear any party

(e) Whether any party is threatening or has threatened future harm against another party or another family or household member

(f) Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48

(c) A deputy shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Also, a deputy shall not release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

(d) A deputy with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in

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Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).

1. If a deputy reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the deputy should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).

(e) A deputy shall arrest and take a person into custody if the deputy has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

310.9.2 REPORTS AND RECORDS

A deputy who does not make an arrest when the deputy has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The deputy will ensure the report is sent to the appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075(4)).

310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Milwaukee County Sheriff's Office releasing a person arrested for domestic abuse shall inform the arrested person orally and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements, and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that the person has received notice of, and understands the requirements, the consequences of violating the requirements, and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody (Wis. Stat. § 968.075).

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Search and Seizure

311.1 PURPOSE AND SCOPE

Both the United States and the Wisconsin Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Milwaukee County Sheriff's Office personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this agency will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this agency will comply with relevant federal and state law governing the seizure of persons and property.

The Agency will provide relevant and current training to deputies as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Custodial search
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Statutory authority
- Seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this agency is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

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Whenever practicable, deputies are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to selecting a course of action.

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this agency will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching deputy, a deputy of the same sex as the subject should conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. Conduct the search within view of the squad camera and/or body camera.
3. The deputy should not search areas of the body covered by clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Deputies should ensure that any searches are documented in required reports or records management system narratives and including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is of the opposite sex, any efforts used to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

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Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and agency policy have been met.

311.5.1 PAROLE AND PROBATION SEARCHES

Any member conducting a search of an individual on parole or probation under the following conditions shall ensure the search is reported to the Department of Corrections:

(a) Released under risk reduction sentence (Wis. Stat. § 302.043(4))

(b) Released to extended supervision under the challenge incarceration program, (Wis. Stat. § 302.045(3m)(e))

(c) Released after completing substance abuse program (Wis. Stat. § 302.05(3)(c)(4))

(d) Mandatory release parole (Wis. Stat. § 302.11(6m))

(e) Released to extended supervision for felony offenders not serving life sentences (Wis. Stat. § 302.113(7r))

(f) Released to extended supervision for felony offenders serving life sentences (Wis. Stat. § 302.114(8g))

(g) Special action parole release (Wis. Stat. § 304.02(2m))

(h) Paroles from state prisons and house of correction (Wis. Stat. § 304.06(1r))

(i) Probation for a felony (Wis. Stat. § 973.09(1d))

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Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care.

312.2 POLICY

The Milwaukee County Sheriff's Office will investigate all reported incidents of alleged adult abuse within its jurisdiction and/or refer to the appropriate local police agency as needed and ensure proper reporting and notification as required by law.

312.3 NOTIFICATION

Members of the Milwaukee County Sheriff's Office should notify the appropriate county elder-adult/ adult-at-risk agency when a deputy takes a report of adult abuse of an elder at risk or adult at risk.

For purposes of notification, an "elder adult at risk" is any person who is 60 years of age or older who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 46.90(1)(br)). An "adult at risk" is any adult 18 years of age or older who has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs, and who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 55.01(1)(1e)).

Members should immediately notify the Wisconsin Department of Health Services Division of Quality Assurance, Office of Caregiver Quality regarding an adult who was abused in a care facility or while under the care of a facility.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.5.1 REQUEST FOR ASSISTANCE

If requested, a member shall accompany an investigator or worker of an elder-adult-at-risk agency or an adult-at-risk agency during visits to a residence of a victim and provide assistance as requested or necessary when (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)):

(a) The investigator or worker is investigating suspected abuse, neglect, self-neglect or financial exploitation.

(b) The victim is 60 years of age or older or is 18 years of age or older and has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs.

The identity of the requesting investigator/worker should be documented.

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312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact the appropriate county elder-adult/adult-at-risk agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this agency should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to the appropriate county elder-adult/adult-at-risk agency.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the appropriate county elder-adult/adult-at-risk agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Criminal Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

312.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigations Division supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

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312.10.1 OPEN RECORDS UNIT RESPONSIBILITIES
Open Records is responsible for:

(a) Providing a copy of the adult abuse report to the appropriate county elder-adult/adult-at-risk agency as required by law.

(b) Retaining the original adult abuse report with the initial case file.

312.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

312.10.3 RESTRAINING ORDER
When a deputy reasonably believes that an elder adult or adult at risk is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy should contact the appropriate county elder-adult/adult-at-risk agency and request that they obtain a restraining order against the person alleged to have committed or threatened such abuse, if that person is not in custody (Wis. Stat. § 813.123).

If the appropriate county elder-adult/adult-at-risk agency is unwilling or unable to obtain a restraining order, the handling deputy may attempt to obtain the restraining order on the victim’s behalf. Action taken by the deputy should be documented in any related report.

312.11 TRAINING
The Agency should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discrimination/Harassment

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

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

Employees are also accountable for compliance with all provisions of Milwaukee County's Sexual Harassment Policy to the extent any provision of this policy conflicts with Milwaukee County's Sexual Harassment Policy, this policy controls.

313.3 DISCRIMINATION PROHIBITED

313.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects a properly qualified applicant or member and is based on race, creed, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation, marital status, arrest record, conviction record, other classification or status protected by law, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters (Wis. Stat. § 111.31).

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

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

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pictures. Such conduct, on- or off-duty, is contrary to agency policy and to a work environment that is free of discrimination.

313.3.2 RETALIATION

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

313.3.3 SEXUAL HARASSMENT

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct:

1. Is severe, persistent, or pervasive; and

2. Unreasonably interferes with an individual's employment performance or creates a work environment that the individual finds, and a reasonable person would find to be intimidating, hostile, or offensive (hostile environment sexual harassment).

Examples of sexual harassment may include but are not limited to:

- Making sexual or derogatory comments.
- Insinuating, proposing, requesting, demanding sexual favors.
- Sending or displaying objects, recordings, images, or correspondence of a sexually suggestive nature.
- Placing harassing phone calls.
- Making repeated requests for dates.
- Grabbing or touching parts of the body.
- Brushing against another person's body.
- Treating employees differently because of their gender.
- Viewing, downloading, or displaying sex-related images, videos, or similar material.
- Using language that is degrading or abusive.
- Telling jokes of a sexual nature or making sexually explicit comments.

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- Commenting or referring to someone in derogatory or objectifying terms.
- Talking about one's sex life or the sex life of co-workers or others.
- Turning innocuous statements into sexual innuendoes.

Personal relationships between a supervisor and an employee in his/her work group must be reported to the next-level supervisor in order to determine appropriate actions.

313.3.4 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the State of Wisconsin, Department of Workforce Development, Equal Rights Division guidelines.

313.4 RESPONSIBILITIES

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

Members shall promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Professional Standards Division, Human Resources, or the Employee Relations Hotline (414-278-2000).

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

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

313.4.1 SUPERVISOR RESPONSIBILITY

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

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(e) Promptly notify the Professional Standards Division of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation.

313.4.2 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or Human Resources for further information, direction, or clarification.

313.5 INVESTIGATION OF COMPLAINTS

During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. The participating or opposing members should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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

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

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

Formal investigation of the complaint will be confidential to the extent possible. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Professional Standards Division, Human Resources, or the Employee Relations Hotline (414-278-2000).

313.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply

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to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented in a manner designated by the Sheriff. The outcome of all reports shall be:

(a) Approved by the Sheriff or the authorized designee or Human Resources if more appropriate.

(b) Maintained in accordance with the established records retention schedule.

313.7 TRAINING

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

All members shall electronically acknowledge this policy on an annual basis to show that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Milwaukee County Sheriff's Office members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

314.2 POLICY

The Milwaukee County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse within its jurisdiction and/or refer to the appropriate law enforcement agency as needed.When necessary, the appropriate county department or licensed child welfare agency will be notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Milwaukee County Sheriff's Office shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

(a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.

(b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.

(c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.

(d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.

(e) Cases where the child has been involved in sex trafficking or prostitution.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act

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as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

314.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Wis. Stat. § 48.981):

(a) The assigned deputy should immediately make the notification to the appropriate county department or licensed child welfare agency by telephone or in person but in all cases before completing his/her shift and no later than 12 hours, exclusive of Saturdays, Sundays or legal holidays.

(b) Notification, when possible, shall contain at a minimum:

1. The name, address, age, sex and race of the child.
2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
4. The family composition.
5. The source of the report and the name, address and occupation of the person making the report.
6. Any action taken by the reporting source.
7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.

(c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Medical Examiner shall also be notified (Wis. Stat. § 48.981(5)).

314.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned deputy shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).

(l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

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

314.6 PROTECTIVE CUSTODY

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

Generally, members of this agency should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action

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reasonably appears necessary to protect the child. The appropriate county department or licensed child welfare agency should be contacted as soon as practicable to determine who the child should be turned over to.

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

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

(a) A court has ordered the removal of the child.

(b) A deputy believes on reasonable grounds that any of the following conditions exist:

1. A court has ordered the removal of the child.
2. The child is suffering from illness or injury or is in immediate danger from his/her surroundings and removal from those surroundings is necessary.
3. The child is an expectant mother and there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the expectant mother's habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the expectant mother is taken into custody.

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

314.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

A deputy who has taken a child into protective custody shall physically turn the child over to an intake worker. The intake worker shall be responsible for notifying the parent, guardian, legal custodian or Indian custodian of the child by the most practical means. (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

314.6.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old to a deputy when the parent does not express an intent to return for the child. If a person notifies a non-sworn member that he/she wishes to relinquish a newborn, that member shall request to assistance of a deputy. The deputy shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195(1)).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Agency members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

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The deputy shall provide the parent with the toll-free number to the Department of Children and Families, (877-440-2229) or the appropriate social services brochure with this phone number and other relevant information (Wis. Stat. § 48.195; Wis. Admin. Code § DCF 39.09).

The deputy shall complete a report of the incident prior to the end of his/her shift. The report should include the name and agency of who will be filing the birth certificate.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

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

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

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314.9 DRUG-ENDANGERED CHILDREN

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

314.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Criminal Investigations Division supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

314.9.2 DEPUTY RESPONSIBILITIES

Deputiesresponding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigation Divisionsupervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

314.10.1 CRIMINAL PROSECUTION

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

314.10.2 RELEASE OF REPORTS

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

314.10.3 CHILD DEATH REVIEW TEAM

This agency will cooperate with the Medical Examiner's Office as applicable.

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

314.10.5 MANDATORY COORDINATION
A deputy investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

314.10.6 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD
An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of the court order.

314.11 TRAINING
The Agency should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) Are adults with a developmental disability, suffer from Alzheimer's disease or dementia, or suffer from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the person incapable of getting to a familiar location without assistance (Wis. Stat. § 175.51).

(d) Are veterans or active-duty members of the military and there is reason to believe that they are at risk due to a physical or mental health condition, and a report was made within 72 hours of their disappearance (Wis. Stat. § 175.51).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

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315.2 POLICY

The Milwaukee County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- Report requirements as provided in Wis. Stat. § 165.785
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

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1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

315.6 REPORT PROCEDURES AND ROUTING

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

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly submitted electronically.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

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(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 ADDITIONAL RESPONSIBILITIES
When determined necessary by a supervisor, the assigned member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Criminal Investigations Division.

(e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP

The investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified as soon as practicable (taking into consideration the nature of the investigation) if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

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(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Should obtain and forward medical and dental records, photographs, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults ® and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The assigned investigator should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.

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

315.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

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(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Criminal Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Milwaukee County or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of agency members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

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(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., internet use, cellular phone use).

(n) Media relations.

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Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Milwaukee County Sheriff's Office should notify their supervisor, Shift Commander or Criminal Investigations Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the appropriate Divisional Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the appropriate Divisional Commander

316.4 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is 60 years of age or older and believed to have Alzheimer’s Disease, dementia or another permanent cognitive impairment which poses a threat to his/her health and safety (Wis. Stat. § 175.51).

316.4.1 CRITERIA

A Silver Alert should be issued when:

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(a) A reasonable belief that the missing person’s disappearance is due to his/her impaired cognitive condition

(b) The Silver Alert request is made within 72 hours of the individual’s disappearance

(c) Sufficient information is available to disseminate to the public that could assist in locating the missing person

316.4.2 PROCEDURE

Members shall disseminate reports regarding at-risk missing adults in the Wisconsin Crime Alert Network (Wis. Stat. § 165.785; Wis. Stat. § 175.51).

316.5 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

The Wisconsin AMBER Alert Plan is a voluntary partnership between law enforcement agencies and broadcasters to send out an emergency alert to the public when a child is abducted and is not used for cases that involve runaways or in most parental abduction cases unless the child's life is in danger.

316.5.1 CRITERIA

The Wisconsin AMBER Alert Plan requires the following criteria to exist before activation can occur:

(a) The child must be 17 years of age or younger

(b) The child must be in danger of serious bodily harm or death

(c) The Agency has enough descriptive information about the child and the person who is suspected of abducting the child, and/or the suspect vehicles, to believe a broadcast will help locate the child

The AMBER Alert is not to be used for runaways or family abductions unless the child's life is in danger.

316.5.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Milwaukee County Sheriff's Office shall:

(a) Immediately enter the child into the TIME/NCIC Missing Person database with the AMBER Alert flag.

(b) Call the Wisconsin State Patrol's Traffic Management Center and provide contact information.

(c) When contacted by a Division of Criminal Investigation (DCI) supervisor, review the facts of the case and the status of the investigation.

(d) Once approved for an AMBER Alert, complete the online form and include relevant photographs.

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(e) Obtain, whenever possible, consent from the parents, parent, guardian, or other person having legal custody of the abducted child the child's name, photographs, descriptions, and other information necessary to support the AMBER Alert public broadcast and search.

(f) Maintain frequent contact with the DCI supervisor as the investigation progresses.

(g) Request additional resources and services from:

1. The FBI
2. The Wisconsin Clearinghouse for Missing and Exploited Children and Adults (WCMECA)
3. The NCMEC
4. A Child is Missing

(h) Retain a copy of all AMBER Alert forms, faxes, teletypes, emails, and pertinent case information for review by the Wisconsin AMBER Alert Review Committee.

316.6 HIT-AND-RUN ALERTS

Members investigating a hit-and-run should ensure an alert from the Wisconsin Crime Alert Network is initiated whenever the below criteria is met (Wis. Stat. § 346.67; Wis. Stat. § 346.70).

316.6.1 CRITERIA

The following criteria apply (Wis. Stat. § 175.51):

(a) A person has been killed due to the accident.

(b) There is sufficient information available to help locate the suspect or vehicle.

(c) An alert could help prevent further harm or aid in an arrest.

316.6.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

316.7 GREEN ALERTS

Green Alerts are used to provide a statewide system for the rapid dissemination of information regarding at-risk missing veterans or active-duty members of the armed forces, the national guard, or the military reserve forces of the United States (Wis. Stat. § 175.51).

316.7.1 CRITERIA

A Green Alert should be issued when:

(a) A missing person is a veteran or an active-duty member of the armed forces, the national guard, or the military reserve forces of the United States.

(b) The missing person is known, based on the information provided by the reporting person, to have a physical or mental health condition that is related to the missing person's service.

(c) The report is provided within 72 hours of the individual's disappearance.

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(d) There is reason to believe that the person at risk is missing due to a physical or mental health condition.

(e) There is sufficient information available to disseminate that could assist in locating the missing veteran.

316.7.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

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Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Milwaukee County Sheriff's Office will show compassion and understanding for victims and witnesses and make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Sheriff shall coordinate with the Milwaukee County District Attorney's Office on victim and witness assistance matters. The District Attorney's Office will serve as the primary crime victim liaison. The crime victim liaison is the point of contact for individuals requiring further assistance or information from the Milwaukee County Sheriff's Office regarding benefits from crime victim resources. The liaison shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.4 CRIME VICTIMS

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

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

317.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Deputies shall ensure that the victim information handout is delivered to victims as soon as practicable but not later than 24 hours after initial contact with the victim (Wis. Stat. § 950.08(2g)).

Sex crime victims require additional actions as identified in the Sexual Assault Investigations Policy.

Victims of sexual assault, human trafficking and child sexual abuse have the right to be accompanied by a victim advocate when being interviewed by a deputy of the Milwaukee County Sheriff's Office or other law enforcement agency. If the victim advocate obstructs or delays the interview, or fails to comply with the Child Abuse Policy and/or Sexual Assault Investigations Policy regarding the confidentiality of information relating to an investigation, he/she may be excluded from the interview and a different victim advocate may be permitted to accompany the victim at the victim's request (Wis. Stat. § 950.045(1)).

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317.5 VICTIM INFORMATION

The Criminal Investigation Division supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic abuse.

1. The information shall include the availability of shelters and services from lists provided by the Wisconsin Department of Children and Families and the Wisconsin Department of Justice (Wis. Stat. § 968.075).

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime (Wis. Admin. Code § JUS 11.11).

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the deputy's name, badge number and any applicable case or incident number.

(k) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims, which includes a list of victim's rights under Wis. Stat. § 950.04(1v) and Wis. Const. Article I, § 9m.

(l) Notice of legal rights and remedies available to domestic abuse victims that includes the statement: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction" (Wis. Stat. § 968.075).

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

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317.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Deputies may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Deputies may provide witnesses with a witness information handout explaining their rights pursuant to Wis. Stat. § 950.04(2w) when appropriate.

317.7 WITNESS INFORMATION

The Criminal Investigation Division supervisor shall ensure that witness handouts are available and current. The handout should include the rights of witnesses contained in Wis. Stat. § 950.04(2w).

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Bias-Motivated Crimes

318.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this agency will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.2 DEFINITIONS

Definitions related to this policy include:

Bias-motivated crime - A crime motivated by prejudice based on a persons' actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.3 CRIMINAL STATUTES

When conducting a criminal investigation, refer to the following for additional guidance:

(a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:

1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.

(b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.

(c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

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318.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about bias-motivated crime laws.

318.5 LEAD RESPONSIBILITIES

LEAD shall submit all state and federal reporting requirements of bias-motivated crimes (28 USC § 534(a)).

318.6 TRAINING

All deputies of this agency shall receive training on bias-motivated crime recognition and investigation.

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Standards of Conduct

319.1 PURPOSE AND SCOPE

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

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

319.2 POLICY

The continued employment or appointment of every member of the Milwaukee County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

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

319.3.1 SUPERVISOR RESPONSIBILITIES

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

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.3.2 UNLAWFUL OR CONFLICTING ORDERS

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

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

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

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

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Wisconsin constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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

319.5 CAUSES FOR DISCIPLINE

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

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in agency or County manuals.

(b) Disobedience of any legal directive or order issued by any agency member of a higher rank.

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(c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Milwaukee County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non- agency business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM
Refer to the Discriminatory Harassment Policy for additional guidance.

319.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

(f) Notifying a supervisor as soon as practicable if a relative, family member, spouse, boyfriend/girlfriend or acquaintance is an inmate in the Criminal Justice Facility or House of Correction. The member shall provide as much information as possible in

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writing prior to the member's next tour of duty, to include, the person's name, housing location and relationship type.

(g) Notifying a supervisor as soon as practicable if any contact is made, whether on- or off-duty, other than incidental, with a friend or family member of any person known to be in custody.

(h) Receiving permission from the Jail Commander or the authorized designee prior to a member visiting, calling, receiving telephone calls from, corresponding with, providing financial assistance (e.g., commissary, inmate accounts), or providing bail for any inmate in the Criminal Justice Facility or the House of Correction. A request for permission should be in writing and submitted to the employee's immediate supervisor.

(i) Placing telephone calls for an inmate, conveying messages or mail between an inmate and any other person, or performing favors for any inmate that would result in inequal treatment of inmates.

(j) Any fraternization or improper relationship with an inmate, to include overly casual relationships, friendships, or romantic relationships.

319.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

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(f) No member shall record another member without that person's prior knowledge, except in conjunction with a sanctioned investigation and with prior authorization/ approval of the Sheriff or his/her designee.

319.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Cowardice in the performance of required duties.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(d) Failure to possess functional knowledge of applicable federal laws, state laws, and county ordinances relative to the assigned position.

(e) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(f) Lack of attention or otherwise being distracted while on-duty.

(g) Unauthorized sleeping during on-duty time or assignments.

(h) Failure to notify the Agency on the appropriate form within 24 hours of any change in residence address, contact telephone numbers, emergency contact information, or marital status. The member shall also update the appropriate electronic payroll records.

319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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(a) While on agency premises.

(b) At any work site, while on-duty or while in uniform, or while using any agency equipment or system.

(c) Gambling activity undertaken as part of a member's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on agency property or while in any way representing him/herself as a member of this agency, except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.

(i) Any act on-- or off--duty that brings discredit to this agency.

319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the County.

(g) Failure to address a supervisor by his/her rank, his/her rank and last name, or an appropriate title such as "sir" or "ma'am".

(h) Failure to address a deputy or correctional officer in a respectful manner.

(i) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.

(j) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.

(k) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.

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(l) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

(m) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.

(n) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

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

319.5.10 SAFETY

(a) Failure to observe or violating agency safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic crash.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Purchase or possession of alcohol while in uniform, except as authorized in the performance of an official assignment.

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(d) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by Milwaukee County that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the County or county funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

320.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the County in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received, or reviewed on any county computer system.

The County reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the County, including the county email system, computer network, and/or any information placed into storage on any county system or device. This includes records of all keystrokes or Web-browsing history made at any county computer or over any county network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through county computers, electronic devices, or networks.

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The County will not request or require, as a condition of employment, that employees disclose access information for their personal Internet accounts or otherwise grant access to, or allow observation of, those accounts unless specifically permitted to do so under federal or Wisconsin law (Wis. Stat. § 995.55).

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any county computer. Members shall not install personal copies of any software onto any county computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the Information Management Services Division (IMSD) and with the authorization of the Criminal Investigation Division supervisor or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the County while on county premises, computer systems or electronic devices. Such unauthorized use of software exposes the County and involved members to severe civil and criminal penalties.

Introduction of software should only occur as part of the automated maintenance or update process of County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IMSD and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the County shall be strictly limited to county-related activities.

320.4.3 INTERNET USE

Internet access provided by or through the County shall be strictly limited to county-related activities. Internet sites containing information that is not appropriate or applicable to county use and which shall not be intentionally accessed include, but are not limited to, adult forums,

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pornography, gambling, chat rooms, discriminatory, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of the designated supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the County while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access county resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally-owned technology.

320.5 PROTECTION OF COUNTY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure county computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IMSD.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION OR REVIEW

Reasons for inspection or review of the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof may include, but are not limited to, routine supervisory inspection or inspection based on cause, computer system malfunctions, problems or general computer system failure, a lawsuit against the County involving one of its members or a member's duties, an alleged or suspected violation of any agency or county policy, a request for disclosure of data, or a need to perform or provide a service.

IMSD staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the county computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony and misdemeanor crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - (a) Use of Force Policy
  - (b) Domestic Abuse Policy
  - (c) Child Abuse Policy
  - (d) Adult Abuse Policy

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(e) Bias-Motivated Crimes Policy

(f) Suspicious Activity Reporting Policy

(e) Situations involving a suspected prescription drug law violation, opioid-related drug overdose, narcotic-related death or controlled substance prescription theft (Wis. Stat. § 961.37).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime a deputy points a firearm at any person

(b) Any use of force against any person by a member of this agency (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic crashes above the minimum reporting level (see the Traffic Crash Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) For any violation of a County ordinance that has a corresponding state statute

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

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321.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL
Reports shall be written if an injury occurs that is a result of an act of a County employee. Reports also shall be written when there is damage to County property or County equipment.

321.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this agency shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

(e) An injury on County property is reported to the Milwaukee County Sheriff's Office.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.2.6 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include vehicle crashes during inclement weather.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate.

321.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report and state the reasons for rejection. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

321.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor shall not be modified or altered except by way of a supplemental report.

321.6 ELECTRONIC SIGNATURES
The Milwaukee County Sheriff's Office has established an electronic signature procedure for use by designated employees of the Milwaukee County Sheriff's Office. Administration shall be

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responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

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Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official agency information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

322.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, the authorized designees of the Sheriff may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

322.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of agency members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

322.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Director of Public Affairs and Community Engagement, or if unavailable, to the on-duty Public Information Officer or, depending on the time of day, the on-duty Field Inspections Captain or divisional commander, in that order. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this agency make any comment or release any official information to the media without prior approval from the designated supervisor or Public Information Officer having sufficient authority to approve such comment or release of information.

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(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.

(c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement incident not involving this agency without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

322.6 ACCESS

Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.

Access by the media is subject to the following conditions:

(a) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express written consent of the person in custody.

(b) No member of this agency who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

322.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Agency members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

322.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

322.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

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322.7.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

322.8 RELEASE OF INFORMATION

The Agency may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the agency website or other electronic data sources.

322.8.1 INFORMATION LOG

The Agency will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this agency, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated agency media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

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Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court or other administrative proceedings (e.g. Personnel Review Board, Worker's Compensation Hearing, Equal Rights Proceeding). It will allow the Milwaukee County Sheriff's Office to cover any related work absences and keep the Agency informed about relevant legal matters.

323.2 POLICY

Milwaukee County Sheriff's Office members will respond appropriately to all subpoenas and any other court or administrative proceeding ordered appearances.

323.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of this agency or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member’s course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

(a) Personally serving a copy of the subpoena to the member.

(b) Delivering a copy to the member’s usual place of residency.

(c) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this agency as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06). Any received fees should be forwarded to Fiscal.

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Milwaukee County Corporation Counsel or the prosecutor shall notify The Professional Standards Division by email without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

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

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Milwaukee County Sheriff's Office.

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(e) Any personnel or disciplinary matter when called to testify or to provide information by any party other than the Milwaukee County Sheriff's Office.

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

323.3.2 CIVIL SUBPOENA

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

323.3.3 OFF-DUTY RELATED SUBPOENAS

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

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena, court, or administrative proceeding ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by an administrative agency.

323.5 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the agency uniform (i.e., Class B uniform with long-sleeve shirt and tie) or business attire (if applicable for assignment).

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member should request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement, if applicable.

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Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this agency.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander or an on-duty supervisor for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests (Wis. Stat. § 66.0313; Wis. Stat. § 175.46).

When another law enforcement agency requests assistance from this agency, if available, the Shift Commander may authorize an appropriate number of personnel to assist.

Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

Arrestees may be temporarily detained by this agency until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this agency will not ordinarily be booked at this agency. Only in exceptional circumstances, and subject to supervisor approval, will this agency provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 MUTUAL AID AGREEMENTS

The Agency may, at the discretion of the Sheriff, enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement may authorize the following (Wis. Stat. § 175.46):

(a) Law enforcement officers from another agency may act with some or all of the arrest and other police authority of a deputy of this agency (Wis. Stat. § 175.46(2)).

(b) Law enforcement officers from another agency may enforce and make arrests for violations of only those laws that are similar to the types of laws they are authorized to enforce and make arrests for violations of in their home jurisdiction (Wis. Stat. § 175.46(4)).

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Any mutual aid agreement should be written and may be on an individual case-by-case basis or may be a continuing agreement until terminated by either agency. At least 30 days prior to entering into a mutual aid agreement, this agency shall submit a copy of the initial proposed agreement to the Wisconsin Department of Justice (WisDOJ) for review and comment. (Wis. Stat. § 175.46(3); Wis. Stat. § 175.46(8)).

324.3.2 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Milwaukee County Sheriff's Office 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 supervisor or the Shift Commander and Milwaukee County 911 Communications Division as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management and control.
- Detect the presence of dangerous conditions or hazardous materials.
- Begin identification of dangerous conditions or hazardous materials (may use the most current Emergency Response Guidebook published by the U.S. Department of Transportation).
- Isolate the incident and identify zones of danger and activity.
- Contain the incident without risking unnecessary exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Continuity of Operations Plan (COOP).
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.

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- Contact the local Wisconsin State Patrol and request support if it occurs on any federal, state or county highway located outside of this agency's jurisdiction.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this agency should clarify whether it is requesting assistance only or complete scene management.

324.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the assigned Divisional Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members training in the use of the supplies and equipment.

(c) Copies of the documentation should be provided to the Shift Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Director should maintain documentation that the appropriate members have received the required training.

324.7 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

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Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Milwaukee County Sheriff's Office will accommodate obtaining fingerprints, a recent photograph, and other information that may be required by the Wisconsin Department of Corrections as well as any face-to-face contact requirements for registrants who are on supervision.

325.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to identify registered offenders living within this jurisdiction.

325.3 REGISTRATION AND CONTACT

The Jail Records supervisor shall establish a process to reasonably accommodate obtaining fingerprints, a recent photograph and other information that may be required by the Wisconsin Department of Corrections (WisDOC) as well as any face-to-face contact requirements for registrants who are on supervision (Wis. Stat. § 301.45(2)(f)). The process should rebut any allegation on the part of the offender that the process was too confusing, burdensome or difficult for compliance. Employees assigned to meet with these offenders should receive appropriate training regarding the process.

Upon conclusion of the process, the Jail Records supervisor shall ensure that the information is provided to WisDOC.

The Jail Records supervisor shall ensure WisDOC is notified if a registrant refuses to provide any of the required registration information or complete the registration process.

325.4 DISSEMINATION OF PUBLIC INFORMATION

Members of the public requesting information on registrants should be provided the Wisconsin Sex Offender Registry Web site or the Milwaukee County Sheriff's Office’s website.

The Public Records Unit supervisor shall release local registered offender information to residents in accordance with Wis. Stat. § 301.46 and in compliance with a Wisconsin Public Records Law request.

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Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this agency in determining when, how and to whom notification of major incidents should be made.

For further reference see attachment: Notification Matrix.pdf

326.2 POLICY

The Milwaukee County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this agency to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Divisional Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

Critical incidents

- Active shooter
- Catastrophe or natural disaster that involves death or serious injuries to multiple victims
- Death in custody
- Death or great bodily harm to a citizen due to law enforcement action
- Death or great bodily harm to an Agency member (on- or off-duty)
- Officer discharges a firearm
- Agency member is shot
- Officer-involved shooting (deputy shoots a person)
- Hostage Situation

Major incidents

- Abductions (adult and child)
- Accidents (vehicular, train, plane) – serious injury/fatality
- Aggravated batteries (includes shootings)
- Squad crashes
- Uses of force
- Bomb threats – verified and requiring additional Agency resources

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- Death investigations (not in custody)
- Death or great bodily harm to a Milwaukee County employee
- Demonstrations/protests
- Fires – serious injury/fatality
- Full freeway closures
- Government official as a victim or person of interest
- Homicide
- Injured deputy/correctional officer
- Mutual aid requests
- Natural disasters without death or serious injury
- Serious disciplinary actions/standards of conduct violations
- Sexual assaults
- Shootings
- Vehicle pursuits
- Welfare checks of an off-duty deputy/correctional officer

326.4 SUPERVISOR RESPONSIBILITIES

The supervisor is responsible for making the appropriate notification.

326.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the on-call Criminal Investigations Division supervisor shall be contacted.

326.4.2 PUBLIC INFORMATION OFFICER

The Public Information Officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

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Identity Theft

327.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

327.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to effectively investigate cases of identity theft.

327.3 REPORTING

(a) To maintain uniformity in reporting, deputies shall initiate a report for victims residing within the jurisdiction of this agency where the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following (Wis. Stat. § 943.201(4)):

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim’s residence agency or the victim shall be informed which law enforcement agency may have jurisdiction. The victim should be encouraged to promptly report the identity theft to the appropriate law enforcement agency.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this agency should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services, or receipt of goods were acquired or occurred in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service, Department of Motor Vehicles) with all known report numbers.

(e) Following supervisory review and Agency processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies, and prosecution as circumstances dictate.

327.4 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law.

The victim may file an identity theft complaint with the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Privacy Protection (OPP) at 800-422-7128.

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327.5 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or the FBI at http://www.fbi.gov/milwaukee .

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Biological Samples

330.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon arrest or conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

330.2 POLICY

The Milwaukee County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

330.3 ARRESTEES AND OFFENDERS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (Wis. Stat. § 165.84; Wis. Stat. § 165.76):

(a) Adults arrested or juveniles taken into custody for a violent crime as defined in Wis. Stat. § 165.84.

(b) Persons sentenced to the county jail for a qualifying offense including but not limited to:

1. Felonious convictions after Jan. 1, 2000.
2. Misdemeanor convictions after April 1, 2015.

(c) Persons ordered by a court to provide a biological sample for DNA analysis.

(d) Persons referred to the Agency by the Wisconsin Department of Corrections (WisDOC) staff for collection of a biological sample and fingerprints.

(e) A person being booked into jail when a review of that person’s Computerized Criminal History (CCH) record reflects "DNA Sample Needed."

330.4 PROCEDURE

When an arrestee or offender is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

330.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the arrestee or offender is required to provide a sample pursuant to Wis. Stat. § 165.76 or Wis. Stat. § 165.84.

(b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying Wisconsin Computerized Criminal History. There is no need to obtain a biological sample if one has been previously obtained.

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(c) Use the designated collection kit provided by the Wisconsin Department of Justice to perform the collection and take steps to avoid cross contamination.

(d) Forward the sample to the appropriate crime laboratory as soon as practicable, but in all cases within 48 hours of collection (Wis. Admin. Code § JUS 9.04).

330.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee or offender refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples unless court ordered (Wis. Stat. § 165.76(6)(a)) and only with the approval of a supervisor (Wis. Stat. § 165.765).

The supervisor shall review and approve any plan to use force and be present to document the process.

330.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the agency’s records retention schedule.

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Chaplains

331.1 PURPOSE AND SCOPE

This policy establishes uniform guidelines for Milwaukee County Sheriff's Office chaplains to provide counseling or emotional support to members of the Agency, their families and members of the public.

331.2 POLICY

The Milwaukee County Sheriff's Office shall ensure that Agency chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

331.3 ELIGIBILITY

Requirements for participation as a chaplain for the Agency may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, and free from personal or professional circumstances inconducive to service in a position of trust.

(b) Having a good reputation in the community.

(c) Successful completion of an appropriate-level background investigation.

(d) A minimum of five years of successful experience in duties similar or substantially related to those performed by Agency chaplains.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

331.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The Milwaukee County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

All applicants shall be required to meet and pass appropriate pre-employment procedures as if seeking paid employment in the Agency.

331.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public.

331.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

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(c) Interview with the Sheriff (or designee) and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment.

331.5 IDENTIFICATION AND APPEARANCE

As representatives of the Agency, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Appropriate equipment and identification materials will be provided for each chaplain.

Chaplains will be issued Milwaukee County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Milwaukee County Sheriff's Office identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or agency property at the termination of service.

Chaplains shall conform to all regulations and appearance standards of this agency.

331.6 CHAPLAIN COORDINATOR

The Sheriff may delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by the Chief Deputy and directly responsible to the Director of Public Affairs and Community Engagement or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and Milwaukee County Sheriff's Office administration. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Agency, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or appropriate coordinating or supervisory personnel.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

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(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

331.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Agency, its members and the community, as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Agency.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Agency or the public into a religious affiliation while representing themselves as chaplains with this agency. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Milwaukee County Sheriff's Office.

331.7.1 COMPLIANCE

Chaplains are volunteer members of this agency, and except as otherwise specified within this policy, are required to comply with county and agency policies governing volunteer activities and other applicable policies.

331.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Milwaukee County Sheriff's Office personnel a minimum of eight hours per month.

(c) Chaplains shall not be evaluators of members of the agency.

(d) In responding to incidents, a chaplain shall never function as a deputy, nor shall a chaplain function as a correctional officer in the Milwaukee County Jail.

(e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Milwaukee County Sheriff's Office while acting in the capacity of agency chaplain, unless otherwise authorized by the Sheriff or the authorized designee.

(g) Each chaplain may be provided with limited access to current agency member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties, as deemed necessary and appropriate by the Sheriff or

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the authorized designee. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data. Failure to maintain the confidentiality of such information will result, at minimum, in the termination of a chaplain's relationship with the Milwaukee County Sheriff's Office.

331.7.3 ASSISTING AGENCY MEMBERS

The responsibilities of a chaplain related to agency members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

331.7.4 ASSISTING THE AGENCY

The responsibilities of a chaplain related to this agency include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that, in the judgment of the Shift Commander or supervisor, aids in accomplishing the mission of the Agency.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents, as deemed necessary and appropriate by the incident commander or executive personnel.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of agency members, as deemed necessary and appropriate by the incident commander or executive personnel.

(e) Attending agency and academy graduations, ceremonies and events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Agency.

331.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community, consistent with the activities of the Office of Public Affairs and Community Engagement.

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(b) Providing an additional link between the community, other chaplain coordinators and the Agency.

(c) Providing liaison with various civic, business and religious organizations, consistent with the activities of the Office of Public Affairs and Community Engagement.

(d) Promptly facilitating requests for representatives or leaders of various denominations, with the approval of the chaplain coordinator.

(e) Assisting the community in any other function as needed or requested, as deemed necessary and appropriate by appropriate supervisory personnel.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

331.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

331.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Agency may work or volunteer for the Milwaukee County Sheriff's Office in any capacity other than that of chaplain, absent an exception provided by the Office of Legal Affairs and Compliance. No chaplain shall provide volunteer services to incarcerated persons in the custody of the Milwaukee County Sheriff's Office.

Agency chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-agency counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Milwaukee County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

331.9 TRAINING

The Agency will establish a minimum number of training hours and standards for agency chaplains. The training, as approved by the Training Director, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics

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- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

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Public Safety Video Surveillance System

332.1 PURPOSE AND SCOPE

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

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

332.2 POLICY

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

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

332.3 OPERATIONAL GUIDELINES

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

332.3.1 PLACEMENT AND MONITORING

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

Recorded video may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

(d) To assist in identifying, apprehending and prosecuting offenders.

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(e) To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Video from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Video should be transmitted to the Law Enforcement Analytics Division (LEAD). When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner. LEAD personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

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

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

332.3.2 INTEGRATION WITH OTHER TECHNOLOGY

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

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

332.4 VIDEO SUPERVISION

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

332.4.1 PROHIBITED ACTIVITY

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

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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

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332.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in the designated cloud platform with access restricted to authorized persons. A recording needed as evidence shall be properly tagged and retained in accordance with the applicable records retention schedule. Refer to the Portable Audio/Video Records Procedure for additional guidance.

332.5.1 EVIDENTIARY INTEGRITY

Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

332.6 RELEASE OF VIDEO

All recorded video gathered by the public safety video surveillance equipment are for the official use of the Milwaukee County Sheriff's Office.

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

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

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

332.7 TRAINING

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

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Child and Dependent Adult Safety

333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this agency.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse Policies.

333.2 POLICY

It is the policy of this agency to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Milwaukee County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

333.3 PROCEDURES DURING AN ARREST

When encountering an arrest or detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. If deputies become aware the arrestee has any children or dependent adults who are without appropriate supervision, the following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

333.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Deputies may consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with a non-arrested parent, guardian or caregiver.

2. If a child is involved, a deputy shall contact the appropriate child welfare department to get permission before turning the child over to another adult.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the appropriate Aging and Disability Resource Center, if appropriate.

(e) Notify the field supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and that arrangements should be made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

333.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee may be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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333.3.3 REPORTING

(a) For all arrests of a parent where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information about the dependent adult:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

333.4 DEPENDENT WELFARE SERVICES

The appropriate welfare service or other agency-approved social service will determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

333.5 TRAINING

The Training Director is responsible to ensure that all members of this agency who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

334.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Milwaukee County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

334.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner’s disability (28 CFR 35.104).

334.2.1 STATE LAW

Any other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items is a service animal in accordance with Wis. Stat. § 106.52(1)(fm).

334.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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334.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Agency members are expected to treat individuals with service animals with the same courtesy and respect that the Milwaukee County Sheriff's Office affords to all members of the public (Wis. Stat. § 106.52(3)(am)).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. A barking dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this agency are expected to provide all services as are reasonably available to an individual with the disability (Wis. Stat. § 106.52(3)(am)(3)).

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy may ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Agency members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this agency should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Milwaukee County Office for Persons with Disabilities, the Civil Rights Division of the U.S. Department of Justice, or the Wisconsin Department of Workforce Development’s Equal Rights Division.

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Native American Graves Protection and Repatriation

335.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

335.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

335.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

335.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Wisconsin Historical Society or, when appropriate, the Medical Examiner (Wis. Stat. § 157.70; Wis. Stat. § 979.01)
- Tribal land - Responsible Indian tribal official

335.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Off-Duty Law Enforcement Actions

336.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Milwaukee County Sheriff's Office with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

336.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and a deputy's authority is limited by the State of Wisconsin. Deputies, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

336.2.1 OFF-DUTY LIMITATIONS

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this agency may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

(a) A deputy becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

(b) The deputy is taking action that would be authorized by the policies of the Milwaukee County Sheriff's Office.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this agency is not used or disclosed.

336.3 FIREARMS

Deputies of this agency may carry firearms while off-duty in accordance with federal regulations, state law and agency policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their agency-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the deputy's senses or judgment.

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336.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies who are authorized by law decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

336.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Milwaukee County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

336.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

336.4.3 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

336.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally, the employee shall contact the on-duty supervisor (Wis. Stat. § 175.40(6m)(a)(3)(c)). The notified

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supervisor shall advise the Shift Commander of any reported off-duty law enforcement action as soon as practicable. The Shift Commander will determine whether to send a supervisor to the scene and whether a report should be completed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

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Agency Use of Social Media

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Agency is consistent with the agency mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by agency members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this agency (see the Investigation and Prosecution Policy).

337.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the agency website or social networking services.

337.2 POLICY

The Milwaukee County Sheriff's Office may use social media as a method of effectively informing the public about agency services, issues, investigations and other relevant events.

Agency members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

337.3 AUTHORIZED USERS

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

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

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

337.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the agency mission and conforms to all agency policies regarding the release of information may be posted.

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Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the agency mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

337.4.1 INCIDENT-SPECIFIC USE

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

337.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Milwaukee County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of agency operations, members of the Agency, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this agency’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

337.5.1 PUBLIC POSTING PROHIBITED

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

The Agency may provide a method for members of the public to contact agency members directly.

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337.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of agency social media sites or platforms and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

337.7 RETENTION OF RECORDS

The Administration Divisional Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

337.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on agency sites.

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Community Engagement

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community engagement.

Additional guidance on community relations and outreach is provided in other policies.

338.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to promote positive relationships between agency members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

338.3 PATROL DEPUTY RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned areas.

(c) Work with community members and the agency community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct foot patrols of their assigned areas to facilitate interaction with community members, as applicable (e.g., lakefront, parks, Milwaukee County Zoo, airport).

338.4 COMMUNITY EVENT RESPONSIBILITIES

Members attending community events as part of a work assignment should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Work with community members and the agency community engagement director to identify issues and solve problems related to community relations and public safety.

338.5 COMMUNITY ENGAGEMENT DIRECTOR

The Sheriff or the authorized designee should designate a member of the Agency to serve as the community engagement director. He/she should report directly to the Sheriff or the authorized designee and is responsible for:

(a) Obtaining agency-approved training related to his/her responsibilities.

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(b) Responding to requests from agency members and the community for assistance in identifying issues and solving problems related to community engagement and public safety.

(c) Working with community groups, agency members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between agency members and the community and provide community members with an improved understanding of agency operations.

(d) Working with the Divisional Commanders to develop community engagement and problem-solving activities.

(e) Recognizing agency and community members for exceptional work or performance in community engagement efforts.

(f) Attending County Board and other community meetings to obtain information on community engagement needs.

(g) Assisting with the agency's response to events that may affect community engagement, such as an incident where the conduct of a agency member is called into public question.

(h) Informing the Sheriff and others of developments and needs related to the furtherance of the agency's community engagement goals, as appropriate.

338.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community engagement director should organize or assist with programs and activities that create opportunities for agency members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Police-community engagement (e.g., National Night Out, Special Olympics, Shop With A Cop).

(b) Youth leadership and life skills mentoring.

(c) Neighborhood Watch and crime prevention programs.

338.7 INFORMATION SHARING

The community engagement director should develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in agency operations, comments, feedback, positive events) between the Agency and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Agency Use of Social Media Policy).

(c) Agency website postings.

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Information should be regularly refreshed, to inform and engage community members continuously.

338.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community engagement director should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies and correctional officers do to keep the community safe. Examples of educational methods include:

(a) Agency website postings.

(b) Instruction in schools.

(c) College internships at the Agency.

338.9 SAFETY AND OTHER CONSIDERATIONS

Agency members in charge of community engagement events should ensure that participating community members have completed waiver forms before physical participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities.

338.10 TRANSPARENCY

The Agency should periodically publish statistical data and analysis regarding the agency's operations. The reports should not contain the names of deputies, correctional officers, suspects, inmates, or case numbers.

338.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community engagement.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Knife Policy

339.1 PURPOSE AND SCOPE

This policy provides guidelines for deputies and correctional weapon officers in the use of edged weapons.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Knife - Any tool with at least one sharpened edge or with a blade terminating in a point which is designed to cut, hack, slash, and/or stab. This also applies to multi-tools which contain a knife blade.

339.2 RESPONSIBILITIES

As referenced in the Uniform and Equipment Specifications Manual, knives with a blade length of up to four inches are approved for duty carry. Knives, whether folding or fixed blade, must be carried concealed. The primary intended purpose of knives is for cutting tasks, such as seatbelt removal or removal of unlawful license plate registration tags.

It is recognized that knives have the potential to be used as defensive weapons. Deadly force must be justified if a knife is to be used in that capacity.

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Information Technology Security

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection and disposal of Criminal Justice Information (CJI).

See the following polices for further guidance:

- Standards of Conduct Policy
- Information Technology Use Policy
- Public Records Unit Policy
- Personal Communication Devices Policy
- Property and Evidence Policy
- Key and Electronic Access Device Control Policy
- Access of Records and Data Policy
- Protected Information Policy
- Records and Maintenance and Release Policy
- Milwaukee County Administrative Manual of Operating Procedures (AMOP) Records Management
- Milwaukee County Cyber Incident Management Guidelines

340.2 POLICY

It is the policy this agency that members shall use CJI that are issued or maintained by the county in a professional manner and in accordance with the FBI Criminal Justice Information Services (CJIS) security policy standards as outlined below. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media.

340.3 DEFINITIONS

Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

Electronic media - includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as CD, or printer ribbon.
Encryption – hard drives are encrypted using a module that meets CJIS compliance. Any drive that is removed from a computer, laptop, printer, or copier cannot be read without the encryption key.

Management Control Agreement (MCA) – CJIS agreement with a company.

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Overwriting - an effective method of clearing data from magnetic media. As the name implies, overwriting reuses a printer ribbon numerous times to eliminate the possibility of learning the text printed.

Physical media - includes printed documents and imagery that contain CJI.

Security Addendum – CJIS agreement with an individual.

340.4 ROLES AND RESPONSIBILITIES

The following roles and responsibilities are required:

The Agency Coordinator (AC) is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and MCSO.The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

The CJIS System Agency Information Security Officer (CSA ISO) is an employee from WI DOJ that shall:

1. Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
2. Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
3. Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.
4. ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

The Contracting Government Agency (CGA) is a government agency, whether a Criminal Justice Agency (CJA) or a Noncriminal Justice Agency (NCJA), that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The Information Technology Support will coordinate with all other roles to protect CJI from compromise at the MCSO by following the Milwaukee County Cyber Incident Management Guidelines as outlined by the Milwaukee County Information Security Council.

The Local Agency Security Officer (LASO) is a MCSO Law Enforcement Analytics Division (LEAD) employee who shall:

1. Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.

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2. Ensure that personnel security screening procedures are being followed as stated in this policy.
3. Ensure the approved and appropriate security measures are in place and working as expected.
4. Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

The Terminal Agency Coordinator (TAC) serves as the point-of-contact at the MCSO for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

340.5 PHYSICALLY SECURE LOCATIONS

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured.Restricted non-public areas in the MCSO shall be identified with a sign at the entrance.

340.5.1 VISITOR ACCESS

A visitor is defined as a person who visits a MCSO facility on a temporary basis who is not employed by the MCSO and has access, unless escorted, to the physically secure location within the MCSO where FBI CJI and associated information systems are located.

Visitors shall:

1. Check in before entering a physically secure location and be escorted at all times.
2. An escort is defined as an authorized person who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
3. Show MCSO personnel a valid form of photo identification.
4. Not be allowed to view screen information.
5. Photographs are not allowed.
6. All requests by groups for tours of a MCSO facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group.The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

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340.5.2 AUTHORIZED UNESCORTED CONTRACTORS AND VENDORS
Authorized unescorted contractors, vendors, and other county divisions shall:

NCJA (e.g. IMSD, Allied Universal, Facilities Management) who require frequent unescorted access to restricted area(s) will be required to establish a MCA between MCSO and the NCJA. Each NCJA employee with CJI access will have a state and national fingerprint-based record background check through Wisconsin Online Record Check System (WORCS) prior to this restricted area access being granted.

Private contractors/vendors who requires frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between MCSO and each private contractor employee. Each private contractor employee will have a state and national fingerprint-based record background check through WORCS prior to this restricted area access being granted.

340.6 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. MCSO will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical breaches.

All personnel with CJI physical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.
   (a) To verify identification, a WORCS shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
2. Complete security awareness training and renew every other year.
   (a) All authorized MCSO, NCJA and private contractor/vendor employees will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
3. Be aware of who is in their secure area before accessing confidential data.
   (a) Take appropriate action to protect all confidential data.
   (b) Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
   (a) Report loss of issued keys or proximity cards to the supervisor and authorized agency personnel.

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(b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call MCSO shift supervisor and POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.

5. Comply with completing cyber security training regarding viruses, worms, Trojan horses, and other malicious code as provided by IMSD.
6. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.
7. In the event of ended employment keep appropriate MCSO security personnel informed when CJI access is no longer needed. The individual must surrender all property and access managed by the local agency, state and/or federal agencies.

340.7 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. At no time will personnel save any CJI to a flash drive, external hard, drive, or digital memory card, unless the digital memory media is evidence. Refer to the Property and Evidence Policy for further evidentiary guidance.

To protect CJI, MCSO personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. CJI is destroyed or sanitized using approved equipment, techniques and procedures as outlined in this policy.
5. Not use personally owned devices to access, process, store, or transmit CJI. See Personal Communication Devices Policy for further guidance.
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by MCSO in a secure area accessible to only those employees whose job function require them to handle such documents.
8. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.

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9. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI as established in this policy.

340.8 TRANSPORTING CJI OUTSIDE A PHYSICALLY SECURE AREA

Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled Authorized MCSO personnel shall protect and control electronic and physical CJI while at rest and in transit.The MCSO will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the MCSO LASO. MCSO personnel shall take appropriate action when in possession of CJI while not in a secure area:

1. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
2. Precautions must be taken to obscure CJI from public view. CJI shall not be left in plain public view.
   (a) Securing hand carried confidential electronic and paper documents by:
      i. Storing CJI in a locked briefcase or lockbox. Package hard copy printouts in such a way as to not have any CJI information viewable.
      ii. Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
      iii. For hard copy printouts or CJI documents:
         (a) Package hard copy printouts in such a way as to not have any CJI information viewable.
   (b) For electronic devices like laptops, use session lock use and /or privacy screens.
3. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
   (a) When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption.
   (b) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
4. Use of privacy statements in electronic and paper documents.
5. Limiting the collection, disclosure, sharing and use of CJI.
6. Following the least privilege and role-based rules for allowing access. Limit access to CJI to only those people or roles that require access.
7. Not taking CJI home or when traveling unless authorized by MCSO LASO.

340.8.1 MEDIA DISSEMINATION

Dissemination to another agency is authorized if:

1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or

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2. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

340.9 BREACH NOTIFICATION AND INCIDENT REPORTING

The agency shall promptly report incident breach information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident breach-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

1. MCSO personnel shall notify his/her supervisor and LASO as soon as practicable. An incident-report must be completed and submitted within 24 hours of the incident.
2. The LASO will ensure the WI DOJ CSA ISO is promptly informed of security breach incidents.The CSA ISO will keep LASO informed of all necessary processes.

340.10 DISPOSAL OF MEDIA

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with this policy.

Physical media shall be disposed of by one of the following methods:

1. Shredding using MCSO issued shredders.
2. Placed in locked shredding bins for a private vendor to come on-site and shred, witnessed by MCSO personnel throughout the entire process.

Electronic media shall be disposed of by overwriting, destruction, or encryption as defined.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from MCSO's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

340.11 CJI ACCESS CONTROL

The agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

340.11.1 ACCOUNT MANAGEMENT

Account management includes the identification of account types (i.e., individual, group, and system), establishment of conditions for group membership, and assignment of associated

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authorizations. The agency shall identify authorized users of the information system and specify access rights/privileges. The agency shall grant access to the information system based on:

1. Valid need-to-know/need-to-share that is determined by assigned official duties.
2. Satisfaction of all personnel security criteria.

IMSD shall be notified when:

1. A user's information system usage or need-to-know or need-to-share changes.
2. A user is terminated or transferred or associated accounts are removed, disabled, or otherwise secured

340.11.2 LEAST PRIVILEGE

The agency shall approve individual access privileges and shall enforce physical and logical access restrictions associated with changes to the information system; and generate, retain, and review records reflecting all such changes. The agency shall enforce the most restrictive set of rights/privileges or access needed by users for the performance of specified tasks. The agency shall implement least privilege based on specific duties, operations, or information systems as necessary to mitigate risk to CJI. This limits access to CJI to only authorized personnel with the need and the right to know.

Logs of access privilege changes shall be maintained for a minimum of one year or at least equal to the agency's record retention policy – whichever is greater.

340.11.3 USER IDENTIFICATION AND AUTHENTICATION

Each person who is authorized to store, process, and/or transmit CJI shall be uniquely identified. A unique identification shall also be required for all persons who administer and maintain the system(s) that access CJI or networks leveraged for CJI transit. In order to manage user identifiers, agencies shall:

1. Uniquely identify each user.
2. Verify the identity of each user.
3. Receive authorization to issue a user identifier from an appropriate agency official.
4. Issue the user identifier to the intended party.
5. Disable the user identifier after a specified period of inactivity.
6. Archive user identifiers.

IMSD shall ensure that standard authenticators meet CJIS security standards. Standard Authenticators include passwords, hard or soft tokens, biometrics, one-time passwords (OTP) and personal identification numbers (PIN). Users shall not be allowed to use the same password or PIN in the same logon sequence. In order to manage information system authenticators, agencies shall:

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1. Define initial authenticator content.
2. Establish administrative procedures for initial authenticator distribution, for lost/compromised, or damaged authenticators, and for revoking authenticators.
3. Change default authenticators upon information system installation.
4. Change/refresh authenticators periodically.

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Vehicle Pursuit Procedure

341.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members with guidance in emergency pursuit driving while engaged in a vehicle pursuit.

341.2 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 in the policy. The following are tactics for units involved in the pursuit:

(a) Members engaged in a pursuit will utilize both audible and visual emergency warning equipment.

(b) Deputies, 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.

(c) Because intersections can present increased risks, the following tactics should be considered

1. Pursuing units shall exercise due regard and slow down as may be necessary for safe operation when proceeding through controlled intersections.

(d) Deputies shall not pursue a vehicle driving the wrong way on a divided highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Maintaining visual contact with the pursued vehicle by driving on the correct side of the roadway.

2. Requesting other units to observe exits available to the suspect.

(e) Absent exigent circumstances, pursuing vehicles should not pursue the wrong direction on a one-way street or on a non-divided roadway.

(f) Deputies 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 deputies.

341.3 TACTICS FOR UNITS NOT INVOLVED IN THE PURSUIT

(a) There should be no paralleling of the pursuit route on the roadway immediately parallel to the pursuit (e.g. the next street or next block). Deputies are authorized to proceed to a position of support (e.g., to use emergency equipment, to protect the public).

(b) Deputies who are not in the general vicinity of pursuing squads should remain in their assigned area and not become involved with the pursuit unless directed otherwise by a supervisor.

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341.4 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.

341.5 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy 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 deputy 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.

341.6 LOSS OF SIGHT 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.

341.7 TERMINATE A PURSUIT

When a deputy determines he/she shall terminate a pursuit or when ordered to terminate a pursuit by a supervisor, the deputy shall:

(a) Notify Milwaukee County 911 Communications Division of the decision to terminate and the location.

(b) Reduce his/her speed to the posted limit.

(c) Turn off all emergency equipment.

(d) Pull over and stop briefly. This is to make it clear to the public that there is no longer a pursuit.

(e) Continue along the suspect's last known direction of travel to check for any crashes or other incidents.

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Back-up/Secondary Firearm Carry Procedure

342.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide authorized sworn staff guidance on the approval process for, and the appropriate carry of, a back-up or secondary weapon.

342.2 POLICY

Back-up firearms are only permitted if authorized by the Sheriff or the authorized designee. Only firearms authorized for on- or off-duty use may be carried as a back-up weapon. Back-up firearms shall be carried concealed.

342.3 RESPONSIBILITIES

The choice to carry a secondary firearm rests with the individual deputy. Purchase and maintenance of the back-up firearm is the responsibility of the deputy. A deputy will be approved to carry one specific make and model of a firearm as his/her back-up weapon.

342.4 GENERAL CONSIDERATIONS

- A deputy that would like to carry a back-up weapon must submit a written request to his/her divisional commander.
- The Divisional Commander shall attach any comments or objections to the request and shall forward it to the Training Academy Director.
- The Training Academy Director and Rangemaster will evaluate the request and schedule the requesting deputy for his/her qualification.
- The final approval will be submitted and reviewed by the Sheriff’s designee.

342.5 QUALIFICATION

Deputies must complete the back-up weapon qualification annually. The deputy must complete the qualification while in his/her duty uniform with a concealed holster. Deputies must display an acceptable level of accuracy, as well as safe drawing and weapon handling during the qualification.

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Firearms Training and Qualification Procedure

343.1 PURPOSE QND SCOPE

The purpose of this procedure is to provide members who carry a firearm while on-duty guidance in qualification procedures.

343.2 POLICY

In order to maintain the high level of proficiency required of agency members, relative to the use of their agency-issued firearms, the following procedures shall be followed concerning the qualification process.

343.3 PROCEDURES

Members shall meet the minimum qualification standards as set forth in the Firearms Policy. This procedure exists to address members who fail to meet the minimum qualification standards.

If, after the prescribed number of qualification attempts listed in the Firearms Policy, the member still fails to meet the minimum qualification standards, the Rangemaster or designated academy staff member will document the failure. The member will be removed from field assignment immediately, have their police powers suspended, and will turn their agency-issued firearm and badge into the Academy for safekeeping. The member, if sworn, will be placed in an assignment that does not require the exercise of police powers or the carrying of a firearm. The Rangemaster or designated academy staff member will notify the member's supervisor of the assignment change. The Rangemaster will initiate a referral to the Professional Standards Division for investigation of violation of policy.

The member will be assigned to attend remedial training within five working days of the above failure. Remedial training will be conducted by a certified agency instructor assigned by the Rangemaster. Remedial training will consist of:

(a) A minimum of one session and a maximum of five sessions;

(b) Two- to three-hour sessions each consisting of remedial training followed by a qualification attempt;

(c) Two to three sessions will be scheduled each week at the instructor's discretion. The instructor will document all training in the appropriate format.

(d) If the member successfully meets the standards of qualification at the end of a session, his/her police powers will be reinstated, his/her firearm and badge returned, and he/she will return immediately to his/her regular assigned duties. The Rangemaster or designated academy staff member will ensure supervisor notification.

(e) If the member fails to qualify at the conclusion of the 5th remedial session, the member will remain on administrative assignment pending the disposition of the internal investigation.

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Vehicle Operation Procedures

344.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish employee responsibilities for maintenance and care of vehicles, insurance, safe vehicle operation, and licensure. Milwaukee County expects employees who are required to operate either County-owned vehicles or personal vehicles to conduct County business to do so safely, attentively, responsibly, in compliance with County regulations, all traffic laws, and in compliance with the terms of the Milwaukee County Driving Agreement.

344.1.1 DEFINITIONS

Definitions related to this procedure include:

County vehicle - Motorized equipment used to transport people or goods owned by Milwaukee County.

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

Personal vehicle - Motorized equipment used to transport people or goods during County business and not owned by Milwaukee County or a contracted vendor.

344.2 POLICY

Milwaukee County Sheriff’s Office employees have the responsibility to operate vehicles assigned to their care in a careful and prudent manner, at all times, giving due consideration to the safety and welfare of the general public. Employees shall obey all laws and Agency policies pertaining to the operation of vehicles during job-related activities.

344.3 DUE REGARD REQUIREMENT

There is no exception to the requirement that employees demonstrate due regard for the safety of others. Failing to drive with due regard may subject an employee to civil and/or criminal liability, in addition to other administrative consequences.

344.4 PROCEDURE

344.4.1 SIGN-OUT PROCEDURES

(a) All keys for Sheriff’s Office vehicles shall be in designated areas at each work location.

(b) Sheriff’s Office vehicles and vehicle keys shall be signed out on a Daily Activity Sheet or divisional sign-out sheet, and turned in to a supervisor or an authorized designee.

(c) Agency vehicles that are not in use and are unattended should be kept locked at all times.

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344.4.2 VEHICLE INSPECTIONS

(a) A member assigned an agency vehicle shall inspect the vehicle at the beginning and end of his/her tour of duty to determine whether it is in serviceable condition. Sheriff's Office members shall ensure that assigned vehicles are filled with gasoline and fluids. They shall note the general appearance as well as any damage, defects, and items in need of repair or replacement.

(b) A member assigned an agency vehicle shall inspect the vehicle at the beginning and end of his/her tour of duty to determine whether the vehicle contains any contraband and/or unauthorized items (e.g., weapons, drugs, property intended to be inventoried). This includes before and after any prisoner or citizen is placed inside the vehicle. The inspection shall include the interior passenger compartment and the trunk of the vehicle, if applicable.

(c) When a vehicle is taken out of service for repairs, the members assigned shall be responsible for removing sensitive agency equipment from the vehicle. Generally, personal items should not be left in the vehicle.

344.4.3 FLEET SUPERVISOR

The Patrol Division Commander shall assign a supervisor to be the fleet supervisor. This supervisor shall be responsible for agency vehicle assignments, tracking maintenance, contents, and equipment of all vehicles including automobiles, prisoner transport wagons, motorcycles, ATVs, and watercraft. In addition, the assigned supervisor shall ensure that vehicles are maintained and in good condition.

344.4.4 UNANNOUNCED INSPECTIONS

Supervisors shall conduct periodic, unannounced inspections of agency vehicles for:

(a) Items of property taken into custody and not inventoried pursuant to the Property and Evidence Policy; or

(b) Contraband, weapons, drugs, or any other items which may have been placed inside the vehicle by passengers.

Supervisors shall log the date, time, and result of these.

344.4.5 MEMBER RESPONSIBILITIES

(a) Driver's license - Members are required to possess and carry a valid driver license and of a suitable class while operating a Milwaukee County vehicle or a personal vehicle in order to conduct County business.

(b) Milwaukee County Driver's Agreement - All members shall review and sign the Driver's Agreement before operating either a County vehicle or personal vehicle to conduct County business. A member operating a personal vehicle in order to conduct County business without a signed Driver's Agreement in place will not be eligible for mileage reimbursement.

(c) Personal vehicles - Each member driving a personal vehicle to conduct County business shall adhere to the following:

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1. Condition - Members shall ensure that personal vehicles used to conduct County business shall be in safe working condition.
2. Insurance - The following applies to personal vehicles used by members to conduct County business:
   (a) Members who use personal vehicles to conduct County business shall confirm that their personal automobile insurance policies provide coverage for this use.
   (b) Members should be aware that pursuant to state laws, their automobile liability insurance policies may be primary to any County coverage in the event of an accident.
   (c) The County's liability insurance program may provide for excess liability coverage for accidents that occur in the course and scope of an member's work duties, but the County's program does not cover physical damage to a member's personal vehicle used in order to conduct County business.
   (d) Each member who uses a personal vehicle in order to conduct County business must have proof of insurance meeting state law requirements as defined Wis. Stat. § 632.32. Copies of insurance certificates shall be supplied to Risk Management upon request.

(d) Vehicle operation - Members conducting County business must operate vehicles in a safe and courteous manner that reflects favorably on Milwaukee County. Member must use a vehicle or piece of equipment only for its intended purposes. Members operating a County vehicle or operating a personal vehicle in order to conduct County business shall follow these operating rules:

1. Transporting controlled substances, firearms, etc. - No alcoholic beverage (whether opened or unopened), illegal drugs, firearms, or explosive material may be transported in a County vehicle unless designated as part of the driver's job responsibility.
2. Stopping at taverns, stores - County vehicles shall not be parked in front of or in areas associated with taverns or liquor stores unless the member is on official County business. Restaurants serving liquor are not included in this prohibition. Stopping at convenience stores, food establishments, and restrooms must be in concert with official duties requiring travel in a Milwaukee County vehicle, and along the normal route of travel for work activities or in close proximity of the work location when working away from your base location.

(e) Theft - A member shall immediately report the theft of a vehicle, contents, keys, or license plates to his/her supervisor. The supervisor shall notify Fleet Management as soon as practicable.

(f) Traffic citations - Members operating either a County vehicle or a personal vehicle in order to conduct County business are personally responsible for all traffic citations issued to them by a law enforcement agency. Milwaukee County will not reimburse the member for the payment of traffic citations. A member shall immediately report all citations issued while driving a County vehicle to his/her supervisor.

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(g) Cell phone use and texting - Refer to the Personal Communication Devices Policy for additional guidance.

(h) Authorized passengers - Members shall only transport persons on official Milwaukee-County-related business or persons receiving transportation as a prescribed service.

(i) Preventive maintenance program - Members operating County vehicles are responsible to turn in the vehicle to Fleet Maintenance at the scheduled time and date for preventive maintenance services. Contact Fleet Management for further details.

(j) Cleanliness - Members should keep County vehicles clean, neat, and presentable. Members should remove all papers and other trash from the vehicle after each period of use. For additional cleaning resources, contact Fleet Management.

(k) Take-home vehicles - Vehicles owned by Milwaukee County may not be taken to a member's residence unless approved.

1. The Sheriff or the authorized designee may authorize agency members to be assigned a take-home vehicle. Non-agency members are not permitted to drive and ride in the vehicle without the permission of the Sheriff or the designee.

2. Authorized members are allowed to park the agency vehicle at their residence. When possible, the vehicle shall be parked in a secure location. While the vehicle is parked at a member's residence or elsewhere, the agency will not be responsible for any personal property left in the vehicle that is either stolen or damaged. Members are also responsible for all movable agency property that is allowed to remain in an unattended take home vehicle.

(l) Interstate travel - Vehicles shall be used for interstate travel in accordance with the following provisions:

1. A commanding officer authorizes their use.

2. When in vehicle pursuit or when the Facility Services Division conveys a vehicle outside the jurisdiction for Fleet Services purposes.

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Law Enforcement Contact Reporting Procedure

345.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines for Agency members in the prompt and accurate reporting of investigatory or custodial contact with law enforcement agencies.

345.2 MEMBER RESPONSIBILITIES

(a) Members shall notify an on-duty supervisor as soon as practicable upon being cited or arrested for a county or municipal ordinance, or who are arrested or come under investigation for any offense, in any jurisdiction.

(b) Upon returning to duty, the member shall provide a written memorandum detailing the incident to his/her supervisor.

345.3 SUPERVISOR RESPONSIBILITIES

(a) Supervisors should promptly notify the Professional Standards Division upon receipt of any notifications.

1. Notifications for matters of a less serious nature including but not limited to a non-criminal citation or warning should be made via email or by phone call during business hours.

2. Notifications for matters of a serious nature including but not limited to any arrest of an Agency member during non-business hours should be made using the Professional Standards Division on-call schedule.

(b) Written memorandums should be promptly forwarded via email to the Professional Standards Division.

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Surrendered Firearm/TRO Gun Turn-In Procedure

346.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish the necessary guidelines to meet the legal and administrative requirements for documenting the storage of surrendered firearms pursuant to Wis. Stat. § 813.12, Wis. Stat. § 813.1285, Wis. Stat. § 941.29, and 18 USC § 921.

346.2 FIREARM SURRENDER AND PROHIBITION

If the court has granted either a domestic injunction or a child abuse injunction, the respondent will be ordered to surrender any firearms. The court may also make an order when granting a harassment injunction.

After the issuance of an injunction or temporary restraining order (TRO) by the court, the paperwork will be forwarded to the Milwaukee County Sheriff's Office. The Warrants Division will receive a copy of the order for records storage and shall make the appropriate entries in NCIC, TIME, and Portals systems. The Civil Process Unit will receive the service copies of the court orders if the service was not completed in court. The Civil Process Unit will process and serve all injunctions and TROs issued by the court and will be responsible for the entry of all data into the records management system.

The Criminal Investigations Division will be the main contact for questions related to the surrender of firearms for the Agency and will be responsible for the storage and record keeping of surrendered firearms.

346.2.1 LOCATIONS FOR SURRENDER OF FIREARMS

(a) Patrol Division substation, 10320 W. Watertown Plank Rd., Wauwatosa, WI 53226

(b) Criminal Investigations Division, 821 W. State St., Milwaukee, WI 53233

(c) Airport Security Division, 5300 S. Howell Ave., Milwaukee, WI 53207

(d) Training Academy, 9225 S. 68th St., Franklin, WI 53235

(e) Milwaukee County Jail, 949 N. 9th St., Milwaukee, WI 53233

346.3 RESPONSIBILITIES

It will be the responsibility of the receiving officer to make any surrendered firearm safe.

346.4 PROCEDURE

(a) Fill out the Receipt for Surrendered Firearm(s) Form:

1. Be sure to sign the paperwork.
2. Have the respondent (or whoever is turning in the firearm) sign the paperwork.

(b) Make a copy of the subject's driver license or identification card.

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(c) Make a copy of the TRO paperwork if available.

(d) Print a copy of the CCAP entry for the corresponding case number.

(e) All documents need to be scanned and emailed to the Criminal Investigations Division.

(f) The original paperwork shall remain with the firearm.

(g) The firearm and paperwork should be delivered to the Criminal Investigations Division on the next business day.

346.5 GENERAL CONSIDERATIONS

If someone brings a cased weapon, the receiving officer should keep the case and bring the firearm to Criminal Investigations Division in the case. Gun cases and ammunition will be accepted.

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Access and Use of Firearm Ranges Procedure

347.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide authorized members guidance on the appropriate use of the Milwaukee County Sheriff's Office Training Academy and Safety Building firearm ranges. These ranges have been provided to all authorized members as a means of maintaining their firearm proficiency.

347.2 POLICY

Unless otherwise noted, the ranges at the Training Academy and the Safety Building are available for practice. The use of these ranges are limited to sworn officers and weapon certified correctional officers of the Agency. Authorized members may not allow access to family members or unauthorized, non-sworn personnel.

347.3 RESPONSIBILITIES

All members present on the firing range must wear body armor, eye and ear protection.

Absolute adherence to the firearm and range safety rules must be observed. Any violation of the firearm safety rules will result in immediate removal from the range and may result in formal discipline.

Firearm safety rules:

- Assume all guns are loaded.
- Never let the muzzle cross anything you are not willing to destroy.
- Keep your finger off the trigger and outside of the trigger guard until you are firing.
- Know your target and what's behind it.

An instructor must be present during any live fire exercises.

347.4 GENERAL CONSIDERATIONS

The Safety Building range may be available 24 hours a day. This range can accommodate non-magnum handgun and buckshot rounds only. Members must follow the printed instructions for the range ventilation use.

The Training Academy range may be open and available by appointment during normal business hours, Monday thru Friday, 0700-1600. Practice ammo and targets are provided for agency range use only and are limited to 200 rounds per month, or as inventory allows.

Shooters must sign in at the front desk of the Training Academy (both in and out) or at the Sergeants' Office in the Safety Building. A signature is acknowledgment that the range rules have been read, are understood and will be followed.

No smoking, food, or beverages are allowed on the range.

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The range must be left clean.

All damage must be reported to Training Academy staff as soon as practicable.

All injuries must be reported immediately.

347.4.1 TRAINING ACADEMY EMERGENCY SUPPLIES

- First aid kits containing pressure bandages, tourniquets, and other life- saving equipment are located in the Training Academy range control offices.
- One automatic external defibrillator (AED) is located in the A/B range control office.
- Land-line telephones are located in both range offices. Follow the laminated instructions for dialing 9-1-1 located on the wall facing the range.
- Fire extinguishers are located on the back wall of each range, adjacent to the range door.

347.4.2 SAFETY BUILDING FIRST AID SUPPLIES

- Minimal first aid equipment is located in a medical kit in the Ready Room.
- A land-line telephone is located on the back wall, adjacent to the main entrance door of the Ready Room.

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Shotgun Loading and Unloading Procedure

348.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide authorized members guidance on the safe and approved method of loading and unloading an agency-issued Remington 870 shotgun.

348.2 POLICY

It is the policy of the Agency that all shotguns be loaded for transport during normal business use (i.e., carried in a squad shotgun rack). The shotgun should be transitioned to combat status when deployed on a call.

348.3 RESPONSIBILITIES

All firearm safety rules must be observed.

Firearm Safety Rules:

- Assume all guns are loaded.
- Know your target and what’s behind it.
- Keep your finger off the trigger and outside of the trigger guard until you are firing.
- Never let the muzzle cross anything you are not willing to destroy.

348.4 GENERAL CONSIDERATIONS

348.4.1 PRE-DEPLOYMENT INSPECTION

To ensure that the shotgun is safe, unloaded, and serviceable:

(a) Check that the trigger safety is in the safe or on position.

1. The safety is located on the trigger guard, behind the trigger.
2. It is in the safe position when it is projecting to the right.

(b) Depress the action bar lock release lever (located immediately in front of the trigger guard) and vigorously move the forend fully to the rear and then fully forward. Move the forend fully to the rear and leave the action open.

(c) Visually and physically inspect the chamber of the shotgun.

(d) Visually and physically inspect the magazine tube.

(e) With the safety on and the action open, insert your thumb into the ejection port of the shotgun and inspect the barrel, ensuring that it is free of obstructions.

348.4.2 SHOTGUN LOADING

To load the shotgun for transport:

(a) With the safety still engaged, close the action.

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(b) Load the magazine tube by placing individual rounds against the shell carrier and pushing them forward until they enter and catch in the magazine tube.

(c) Generally, three rounds of 00 buckshot are loaded into the magazine tube. However, the loading strategy is dependent on the intended or most likely use of the shotgun and is ultimately up to the individual member’s discretion.

348.4.3 TRANSITION TO COMBAT

A shotgun may be deployed on a call (e.g., high-risk traffic stop, room clearing). To transition to the shotgun to combat:

(a) Charge the weapon by placing a round into the chamber.

1. Depress the action bar lock release lever.
2. Charge the weapon by vigorously moving the forend fully to the rear and then fully forward.

348.4.4 UNLOADING A SHOTGUN

To unload the shotgun when loaded for transport:

(a) Ensure that the safety is on.

(b) Point the shotgun in a safe direction.

(c) Depress the action bar lock release lever and open the action.

(d) Remove the round from the ejection port.

(e) Replace the round into the side saddle shell carrier.

(f) Push the shell carrier up and out of the way, and depress the right

(g)

(h)

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

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Missing Persons Procedure

349.1 PURPOSE AND SCOPE

The purpose of this procedure is to give members direction in the successful resolution of a missing persons incident.

Refer to the Missing Persons Policy for additional guidance.

349.2 INITIAL RESPONSE PROCEDURES

Upon notification of a missing person, responding members should:

- Broadcast via OEM Communications a description of the missing person. The description should include a physical description of the missing person, his/her clothing, full name, age, contact information, his/her last known location, and any additional pertinent information (e.g., medical conditions, disabilities, mental health issues).
- In all cases where the safety of a missing person is in question, the responding deputy shall notify the appropriate supervisor as soon as practicable.
- Consider staying with the complainant and act as a liaison. If it is impractical to stay with the complainant, obtain reliable contact information (e.g., working cell phone number).
- If possible, obtain a current photograph of the missing person and email it to OEM Communications with instructions for its distribution to everyone assisting with the missing persons call.
- If applicable, monitor the missing person's social media for any recent posts.

349.2.1 AT-RISK MISSING PERSON

Depending on the situation (such as the length of time since last contact or other special circumstance), a missing person report may be an emergency call. While every call will be unique, the following list of notifications and resources may be helpful in successfully locating the at-risk missing person:

- Determine if the missing person became lost or intentionally fled (i.e., ran away).
- When appropriate:
  - Contact a municipal law enforcement agency who has concurrent jurisdiction in which the missing person may be located.
  - Contact Milwaukee County Transit to advise public transportation operators and provide a description of the missing person.
  - Contact Milwaukee County Parks Department to notify the park rangers.
  - Have a mobile squad stage at the missing person's residence, in case he/she returns home. If the person is a child and there is dual or shared custody, have a mobile squad stage at each residence.

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- Notify private security officers (e.g., Milwaukee County Zoo dispatch, Milwaukee County Art Museum).
- Review local security cameras. A positive identification off of a camera can provide a timeline or direction of travel.
- Contact the Sheriff's Office Canine Unit, Drone Unit and/or Criminal Investigations Division, as appropriate.
- Determine if a public alert is appropriate. Refer to the Public Alerts Policy for additional guidance.

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Use of Force Reporting Procedure

350.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies, correctional officer, and their supervisors guidance the review and evaluation process for use of force reporting.

350.2 OVERVIEW

The use of force report and review process will be entirely digital. The incident report and supporting use of force documentation will be completed and maintained in the records management system. All video and photographs will be maintained in evidence.com, and associated with the respective report number. All use of force reports will be reviewed and approved within the records management system, and all digital evidence will be reviewed in evidence.com.

350.3 PROCEDURE

350.3.1 DEPUTY/CORRECTIONAL OFFICER RESPONSIBILITIES

Following a use of force incident, a deputy or correctional officer:

(a) Shall verbally report the use of force to his/her direct supervisor as soon as practicable.

(b) Should complete his/her use of force report within 48 hours including all appropriate tabs.

(c) Should refer to the Use of Force Policy.

350.3.2 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include:

(a) Sending an email notification consistent with the Major Incident Notification Policy.

(b) Reviewing digital evidence in evidence.com. The direct supervisor shall review the report and supporting documentation in the records management system, and approve or reject the report as needed.

1. Once approved, the direct supervisor shall complete the use of force tracking tabs, and notify the Divisional Commander.

350.3.3 DIVISIONAL COMMANDER RESPONSIBILITIES

For the purpose of this subsection, a Divisional Commander includes the Jail Shift Commander. Divisional Commander responsibilities include:

(a) Reviewing digital evidence in evidence.com. The Divisional Commander shall review the report and supporting documentation in the records management system, and shall complete the use of force tab. The use of force incident shall be reviewed within 14 days.

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(b) If a clear problem and/or policy violation is identified, a Professional Standards Division referral shall be submitted, and a copy forwarded to the Bureau Commander for notification.

(c) Once the use of force review is complete, he/she shall complete the use of force tab. The Divisional Commander shall email the Professional Standards Division, the Training Division Commander, and copy the Bureau Commander noting the compliance status.

350.3.4 PROFESSIONAL STANDARDS DIVISION RESPONSIBILITIES

Professional Standards Division investigator responsibilities include:

(a) Reviewing digital evidence in evidence.com. The Professional Standards Division investigator shall review the report and supporting documentation in the records management system, and shall complete the use of force tab.

(b) Reviewing and evaluating the incident for policy or procedure violations. The investigator should refer any questionable use of force incidents to the Training Division Commander for further review, evaluation, and recommendations.

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Biological Samples Procedure

351.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidance to law enforcement staff on how to properly collect a buccal swab sample from an individual for forensic analysis. A buccal swab or cheek swab is one of the fastest and most common ways for forensic pathologist to establish or refute between a suspect and crime scene. Before obtaining a buccal sample from an individual related to a criminal investigation, you must have a signed search warrant approved by a judge/court commissioner or have signed consent. You must also serve the individual with a copy of the search warrant prior to obtaining the biological sample.

351.2 PROCEDURE

Procedure for collecting a buccal swab sample:

- Wash or sanitize hands then put on gloves.
- Verify that the subject’s mouth is empty.
- Choose a sealed sterile cotton tipped swab package.
- Carefully remove the first swab from the sealed package.
- Avoid touching swab tips with gloves or against any surface.
- Have the subject open his or her mouth and immediately bring swab tip to the inside of cheek.
- Gently rub and rotate swab along the inside of the cheek for 5-10 seconds, ensuring that the entire swab-tip has made contact with the cheek.
- Immediately remove swab, being careful not to touch swab tip against teeth, lips, or other surfaces.
- Place swab directly into dry cardboard swab box.
- Remove the second sterile cotton swab from the package and repeat the procedure on the inside of opposite cheek.
- Place the second swab directly into the same dry cardboard swab box.
- Seal both ends of the cardboard swab box containing the biological samples utilizing evidence tape or Evidence-Pro security strips.Initial and date on both ends of sealing.
- Place cardboard box containing biological samples into the collection envelope.
- Use evidence tape across the top of the collection envelope to seal.
- Initial and date across the evidence tape for chain of custody.
- Label the outside of collection envelope with identifying information on the individual who the sample was collected from.
- Sign, date, and time of collector on outside of collection envelope.

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- Store swab at room temperate or transfer to freezer until testing.

351.2.1 BUCCAL SWAB COLLECTION KIT

The buccal swab collection kit should contain the following listed items. These items are readily available at the Milwaukee County Sheriff's Office Investigative Services Bureau or Police Services Bureau:

- Two sterile cotton tipped swabs
- Two pair of gloves
- Cardboard swab box
- Evidence tape or Evidence-Pro security strips
- Collection envelope
- Signed search warrant or signed consent form
- Clean pen

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Tardiness / Absence from Duty Procedure

352.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines when an employee fails to report for duty in a timely manner.

352.2 GENERAL RULE

If an employee fails to report for duty at the time and place specified by a supervisor without supervisor approval, the employee is tardy. If the employee is tardy greater than 30 minutes, he/she is absent without permission.

352.3 PROCEDURE

If an employee is tardy within a six-month period, the following actions will take place:

(a) First incident: An Employee Activity Documentation shall be completed by the employee's supervisor.

(b) An employee should use personal time unless personal time has been exhausted. The employee may request accrued time with supervisor approval. Whether unpaid or paid, the tardiness is not excused and is considered an incident for purposes of progressive discipline.

(c) A second or subsequent incidents within a six-month period: The employee should be referred to the Professional Standards Division for investigation and disposition.

(d) Supervisors at the rank of captain or above shall have the authority to determine whether the tardiness occurrence merits special circumstances, which may exclude the incident from being forwarded to the Professional Standards Division for investigation.

352.3.1 ABSENCE FROM DUTY

If an employee is absent from duty without permission when:

(a) He/she is tardy for greater than 30 minutes.

(b) He/she takes time off from work when he/she does not possess the accumulated time to cover the absence.

Any absence from duty without permission should be referred to the Professional Standards Division.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Agency to ensure intra-organizational cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Milwaukee County, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and crashes, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as County park inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol Division and other divisions within the Agency, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control. Facilitating the safe movement of vehicles on the Interstate system.

(j) Response to disasters, civic unrest and natural emergencies.

(k) Assist in the service of civil papers.

(l) Provide contracted law enforcement services, such as Milwaukee County Zoo and Milwaukee Mitchell International Airport.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various divisions of the Milwaukee County Sheriff's Office.

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400.2.1 LAW ENFORCEMENT ANALYTICS DIVISION (LEAD)
LEAD will be the central unit for information exchange. Criminal information and reports can be submitted to LEAD for distribution to all divisions within the Agency through daily and special bulletins.

400.2.2 RMS REPORTS
A RMS report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.3 SHIFT REPORTS
Patrol supervisors are encouraged to share information as much as reasonably possible. LEAD will send out a shift report at the conclusion of each patrol shift.

400.2.4 INFORMATION CLIPBOARDS
Information clipboards will be maintained in the roll call room and will be available for review by deputies from all shifts within Patrol. These include, but are not be limited to daily assignments, the be on the lookout (BOLO) list, and written directives.

400.3 CROWDS, EVENTS AND GATHERINGS
Deputies may encounter gatherings of people, including but not limited to, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Milwaukee County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Academy.

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Roll Call

402.1 PURPOSE AND SCOPE

Roll Call is generally conducted at the beginning of the deputy's or correctional officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call. However, deputiesor correctional officers may conduct roll call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, certain basic tasks, including:

(a) Ensure that scheduled members are present, prepared for duty.

(b) Briefing deputiesand correctional officers with information regarding daily activities, with particular attention given to unusual situations and changes in the status of persons of interest, recent criminal activities and major investigations.

(c) Notifying deputies and correctional officer of their daily assignments.

(d) Notifying deputiesand correctional officers of changes in schedules and assignments.

(e) Notifying deputiesand correctional officers of new Agency Directives or changes in Agency Directives.

(f) Reviewing recent incidents for training purposes.

(g) Providing training on a variety of subjects.

402.3 PREPARATION OF MATERIALS

The supervisor conducting roll call, or the deputy or correctional officer if the supervisor is unable to participate in a roll call, is responsible for collection and preparation of the materials necessary for a constructive roll call. A supervisor may delegate this responsibility to a subordinate in his/her absence or for training purposes.

402.4 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call materials and a curriculum or summary shall be maintained by the respective division. Any training materials shall be forwarded to the Training Director for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(b) Provide first aid to injured parties if it can be done safely.

(c) Evacuate the location safely as required or appropriate.

(d) Secure the inner perimeter.

(e) Secure an outer perimeter.

(f) Identify potential witnesses.

(g) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

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403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 CRIME OR DISASTER SCENE CLEANUP

Crime scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)).

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Wisconsin Department of Health Services, the Drug Enforcement Administration (DEA), and the Environmental Protection Agency (EPA) should be notified to assess environmental impacts from hazardous substance spills or improper waste disposal (Wis. Stat. § 292.11).

403.7 CRIMINAL INVESTIGATION DIVISIONAL COMMANDER RESPONSIBILITIES

The Criminal Investigation Divisional Commander is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.8 TRAINING

The Criminal Investigation Divisional Commander should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

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Special Weapons and Tactics

404.1 PURPOSE AND SCOPE

The need for highly trained, well equipped tactical personnel able to deploy and resolve critical incidents that otherwise exceed the capabilities of standard law enforcement first responders has shown the increased likelihood of a successful event outcome. This policy is designed to direct the Milwaukee County Sheriff's Office to create and maintain the infrastructure necessary to recruit, select, reasonably equip, train, and deploy Special Weapons and Tactics (SWAT) Team operators in the service of high-risk search and arrest warrants, the resolution of critical incidents, and provide support for high-profile security details. The SWAT Team will respond to events in support of the Sheriff's Office and other law enforcement agencies through mutual aid.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

This policy provides guidelines for the establishment, selection, training, sustainability, and deployment of the SWAT Team. This policy only applies to those sworn law enforcement officers who are current members assigned to the Milwaukee County Sheriff's Office SWAT Team.

404.1.2 SWAT TEAM DEFINED

The Milwaukee County Sheriff's Office SWAT Team is a group of sworn law enforcement professionals who are specially trained to deal with dangerous situations that extend beyond the scope and capabilities of front-line officers.

404.2 LEVELS OF CAPABILITY/TRAINING

A standardized approach to categorizing the capabilities of a tactical team will determine the type and consistency of training. The SWAT Team shall maintain a level of capabilities and training consistent with the TIER 1 proficiencies. The following levels have been adopted from the National Tactical Officers Association Tactical Response and Operations Standard guidelines (published April 2018). The training hour guidelines correspond with the mission capabilities of each level.

404.2.1 TIER 1

A team considered at this level must be proficient in hostage rescue operations, barricaded subject operations, sniper operations, high-risk warrant service, high-risk apprehension operations, high-risk security operations, and terrorism response operations. The team shall maintain personnel sufficient enough to sustain these operations autonomously. Team training hours shall be proportional with this level of proficiency and capabilities.

404.2.2 TIER 2

A team considered at this level must be proficient in barricaded subject operations, sniper operations, high-risk warrant service, high-risk apprehension operations, high-risk security operations, and terrorism response operations. The difference between this tier and that of TIER 1 is the inability to provide a sufficient number of personnel to perform a planned deliberate hostage rescue operation. The team shall maintain personnel sufficient enough to sustain these

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operations autonomously. Team training hours shall be proportional with this level of proficiency and capabilities.

404.2.3 TACTICAL RESPONSE TEAM
A team considered at this tier must be proficient in barricaded subject operations, high-risk warrant service, high-risk apprehension operations, high-risk security operations, and terrorism response operations. This team tier is unable to provide personnel for a sniper element. Team training hours shall be proportional with this level of proficiency and capabilities.

404.2.4 PERIMETER CONTROL/CONTAINMENT TEAM
A team considered at this tier has the limited capabilities in so far as the limited amount of personnel to adequately provide perimeter control, a containment team, and establish command and control awaiting the support of additional tactical resources. Team training hours shall be proportional with this level of proficiency and capabilities.

404.3 POLICY
The policy of the Milwaukee County SWAT Team is to establish and maintain guidelines commensurate with the dynamic and hazardous situations within the evolution of tactical events. A structured, well-managed set of standards is essential to an event resolution. Three basic operational functions are identified toward this goal including:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS
An assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this agency. The assessment should consider the Team’s capabilities and limitations, and should be reviewed annually by the SWAT Team Commander or the authorized designee.

404.3.2 ORGANIZATIONAL PROCEDURES
This SWAT Team shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

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(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extra jurisdictional response

(i) Specialized functions and supporting resources

404.3.3 OPERATIONAL PROCEDURES

This agency shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.

2. SWAT team training should consider planning for both spontaneous and planned events.

3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel, and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response (e.g., explosive breach).

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.

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2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
   (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
   (b) Debriefing should not be conducted until involved deputies have had the opportunity to individually complete the necessary reports or provide formal statements.
   (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
   (d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

404.4 TRAINING NEEDS ASSESSMENT

The SWAT Team commander or the authorized designee shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and agency policy.

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Agency.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training/certification as required by the Agency every 36 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

SWAT command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent that has been approved by the agency.

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404.4.4 SWAT ON-GOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Biannually, each SWAT team member shall perform the mandatory SWAT handgun and rifle qualification course. The qualification course shall consist of the SWAT basic drill for the handgun and rifle. Failure to qualify will require the team member to seek remedial training from a firearms instructor approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Annually, at a minimum, each SWAT team member shall demonstratre proficiency for any specialty tactic or equipment issued to or used by the team member during SWAT operations. Failure to demonstrate proficiency will require the team member to seek remedial training from an instructor in that discipline approved by the SWAT commander. Team members who fail to demonstrate proficiency on their specialty tactic or equipment may not utilize the specialty tactic or equipment on SWAT operations until proficiency is demonstrated. Team members who fail to demonstrate proficiency must retest within 30 days. Failure to demonstrate proficiency with a specialty tactic or equipment within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty tactic or equipment.

404.4.5 TRAINING SAFETY

Use of one or more designated safety officers shall be considered for all tactical training. A physical and visual inspection of the training venue and/or vehicles shall be performed to identify and exclude any hazards not intended to accomplish the specified training. Furthermore, a triple-check process shall be employed for all practical and scenario-based training. The triple check shall consist of the following:

(a) Self-check for any item that could be unintentionally used in a harmful manner.

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(b) Partner-check for any item that could be unintentionally used in a harmful manner.

(c) Instructor/safety monitor shall check the group for the same items.

404.4.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Academy. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT AND FIREARMS

404.5.1 UNIFORMS
SWAT team members shall wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission. Only current team members are authorized to wear "SWAT" identifiers.

404.5.2 EQUIPMENT
SWAT team members should be adequately equipped to meet the specific mission identified by the Agency.

404.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources, shall be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTION
The commander of the CRT or SWAT shall appoint a SWAT team member to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicles.

404.6 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS

The commander of the SWAT team shall be selected by the Sheriff upon recommendation of team staff.

404.6.1 SWAT TEAM COMMANDER
Under the direction of the Sheriff, the SWAT Team shall be managed by the appointed SWAT Team Commander.

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404.6.2 ASSISTANT SWAT TEAM COMMANDER
Under the direction of the Sheriff, and when the SWAT Team Commander is unavailable, the SWAT Team shall be managed by the Assistant SWAT Team Commander.

404.6.3 TEAM LEADERS AND ASSISTANT TEAM LEADERS
The SWAT Team will be supervised by Team Leaders. The following represents supervisor responsibilities for the SWAT Team:

(a) The Team Leader’s primary responsibility is to supervise the operations of a team to include deployment, training, first-line participation, and other duties as directed by the SWAT Team Commander.

(b) The Assistant Team Leader’s primary responsibility is to aid in the supervision of a team, which will include deployment, training, first-line participation, and other duties as directed by the SWAT Team Commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team (CNT) has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

404.7.1 SELECTION OF PERSONNEL
Interested personnel, who are off probation, shall submit a request to the SWAT Commander or the authroized designee. Qualified applicants will then be invited to an oral interview. The representative oral board will consist of predetermined personnel selected by the SWAT Team Commander and the CNT Team Leader. Interested personnel shall be evaluated by certain criteria, which may include:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the SWAT Commander. The SWAT Commander shall provide final recommendations for selection.

404.7.2 TRAINING OF NEGOTIATORS
Those deputies selected as members of the CNT shall attend an agency-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the CNT Team Leader upon approval from the SWAT Team Commander.

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A minimum of one training day per month will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the CNT Team Leader. Performance and efficiency levels established by the SWAT Team Commander will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

404.8 SUPPORT SERVICES PROCEDURES

Support Services was established to create a group of equipment experts trained to operate technical devices, maintain operational readiness of vehicles, and perform general upkeep of SWAT Team assets.

404.8.1 SELECTION OF PERSONNEL

Interested deputies who are off probation shall submit a request to the SWAT Team Commander or the authorized designee. Qualified applicants will then be invited to an oral interview. The representative oral board will consist of predetermined personnel selected by the SWAT Team Commander and the Support Services Team Leader. Interested personnel shall be evaluated by certain criteria, which may include:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a Support Services technician

(c) Special skills, training, or appropriate education as it pertains to the assignment

(d) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations

The oral board shall submit a list of successful applicants to the SWAT Commander. The SWAT Commander shall provide final recommendations for selection.

404.9 OPERATIONAL GUIDELINES FOR SPECIAL WEAPONS AND TACTICS

The following procedures serve as guidelines for the operational deployment of the Special Weapons and Tactics. Generally, the SWAT Team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT Team Commander.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the SWAT Team should respond. Upon final determination by the Sheriff or the authorized designee, the SWAT Team Commander will be notified.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM

Examples of incidents that may result in the activation of the SWAT Team include:

(a) Barricaded suspects who refuse an order to surrender

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(b) Incidents where hostages have been taken

(c) Arrests of persons reasonably believed to be dangerous

(d) Any situation in which SWAT or CNT deployment could enhance the ability to preserve life, maintain social order, and ensure the protection of property

404.9.3 OUTSIDE AGENCY REQUESTS

Deployment of the Milwaukee County Sheriff's Office SWAT Team in response to requests by other agencies must be authorized by the SWAT Team Commander through the Sheriff or the authorized designee.

404.9.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Milwaukee County Sheriff's Office SWAT Team shall operate under the policies, procedures, and command of the Milwaukee County Sheriff's Office when working in a multi-agency situation.

404.9.5 MOBILIZATION OF THE SWAT TEAM

The on-scene supervisor shall make a request to the Shift Commander for the SWAT Team to respond. The Shift Commander shall then notify the Office of Emergency Management who will notify the SWAT Team Commander and make SWAT Team notifications. If unavailable, the Assistant SWAT Team Commander shall be notified. A current mobilization list shall be maintained in the Office of Emergency Management by the SWAT Team Commander. The Shift Commander will then notify the Sheriff or the authorized designee as soon as practicable.

The Shift Commander should brief the SWAT Team Commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of deputies involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWAT Team Commander shall then call selected deputies to respond.

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404.9.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team, the Incident Commander shall brief the SWAT Team Commander and applicable Team Leaders. Upon review, it will be the Incident Commander's decision, with input from the SWAT Team Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Team Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team. The Incident Commander and the SWAT Team Commander or the authorized designee shall maintain communications at all times.

404.9.7 COMMUNICATION WITH SWAT TEAM PERSONNEL

All persons who are non-SWAT Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the CNT Team Leader or the authorized designee.

404.10 SPECIAL EQUIPMENT

The SWAT Team has specialty equipment utilized by trained technicians to include:

(a) Explosive or mechanical breaching

(b) Kinetic energy projectiles

(c) Counter sniper rifles

(d) Noise flash diversionary devices

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Ride-Along

405.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

405.1.1 ELIGIBILITY

The Milwaukee County Sheriff's Office ride-along program is offered to interns, select members of the media, and other individuals, as determined by the Sheriff or the authorized designee. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Agency
- Denial by any supervisor

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Intern Coordinator. The participant will complete and sign a ride-along waiver form. Interns shall complete paperwork necessary for a background check. Information requested will include a valid driver's license, address and telephone number.

The Intern Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Divisional Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Agency will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time (unless the ride along is the media).

Ride-along participants may not carry firearms.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Ball caps will not be worn in the Sheriff's vehicle. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

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405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the Divisional Commander.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Wisconsin Department of Justice (WisDOJ) Criminal History System check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Milwaukee County Sheriff's Office).

405.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. The ride-along may be terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the on-duty supervisor.

A copy of the ride-along waiver form shall be returned to the on-duty supervisor and/or Intern Coordinator with any comments that may be offered by the deputy.

405.4 CONTROL OF RIDE-ALONG

The assigned deputy shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

(a) The ride-along will follow the directions of the deputy.

(b) The ride-along shall wear the provided body armor and reflective vest.

(c) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.

(d) The ride-along may terminate the ride at any time and the deputy may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the deputy's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(f) Ride-alongs shall stay in the vehicle at all times.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Wisconsin law, the following represents the policy of this agency.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous substance - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives (Wis. Stat. § 299.01(6)).

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver’s statements or shipping documents from the person transporting the material.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.

(l) If available, activate an emergency alert system to the affected area.

406.3 REPORTING EXPOSURE

Agency personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in the appropriate report. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the appropriate report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure appropriate action is taken to treat the exposure.

406.4 HAZARDOUS MATERIALS TRAINING

Employees should receive periodic training regarding hazardous material awareness and how to handle a hazardous material incident.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, agency-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Agency members responding to a hostage situation or barricade situation may order a telecommunications utility to interrupt or reroute telecommunications service to or from the suspected person for the duration of the situation to prevent the person from communicating with anyone other than an authorized person.

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407.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Active Shooter Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties, and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Agency, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

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and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources, or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Milwaukee County 911 Communications Division.

(i) Identify a media staging area outside the outer perimeter and have the agency Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander’s decision, with input from the SWAT Commander, whether to deploy the SWAT Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT Team. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

407.6.1 REPORTING

The on-scene supervisor or Incident Commander is responsible for the coordination of completed incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Milwaukee County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Agency members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established agency evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised and informed of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 MILWAUKEE COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against a Milwaukee County Sheriff's Office facility, the Shift Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the facility, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Milwaukee County Sheriff's Office that is not the property of this agency, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this agency receives notification of a bomb threat at a location in the County of Milwaukee, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified. The Shift Commander or the authorized designee should communicate with the person in charge of the threatened facility or the handling law enforcement agency.

408.5.1 ASSISTANCE

The Shift Commander should be notified when sheriff's assistance is requested. The Shift Commander will make the decision whether the Agency will render assistance and at what level.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

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(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(b) Assist with the safe evacuation of victims, if possible.

(c) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(d) Refer to the Crime and Disaster Scene Integrity Policy for additional guidance.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional agency personnel, such as investigators and forensic services
- Field supervisor

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- Shift Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Office of Emergency Management (OEM) for regional and/or county Hazardous Material Response Teams
- Other government agencies, as appropriate

408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place a person under emergency detention (Wis. Stat. § 51.15).

409.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

A deputy may initiate an emergency detention when the deputy has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

409.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person for treatment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, deputies should proceed with the emergency detention, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

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409.5 TRANSPORTATION

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, a supervisor should be notified as soon as practicable.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the deputy should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints

409.7 DOCUMENTATION

The deputy shall complete a Statement of Emergency Detention by a Law Enforcement Officer, provide it to the facility staff member assigned to that patient and retain a copy of the statement for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention (Wis. Stat. § 51.15).

409.8 TRAINING

This agency will endeavor to provide agency-approved training on interaction with mentally disabled persons, emergency detentions and crisis intervention.

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Book and Release

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Milwaukee County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Misdemeanor citation - A directive, issued by a deputy, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

County ordinance citation - A directive, issued by a member of this agency, that requires a person to appear in circuit court for violation of a county ordinance.

410.2 POLICY

The Milwaukee County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation for a misdemeanor (Wis. Stat. § 968.085(2); Wis. Stat. § 66.0113).

410.3.1 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and photographs of a suspected offender issued a citation should be obtained for the following offenses before release (Wis. Stat. § 165.84(1)):

(a) A misdemeanor, or an offense which would be a misdemeanor if committed by an adult or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substances analogs under Chapter 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks (Wis. Stat. § 165.83(2)(a)2).

(b) An offense charged or alleged as disorderly conduct but which relates to one or more acts listed in Wis. Stat. § 165.83(2)(a)2; (Wis. Stat. § 165.83(2)(a)3).

410.3.2 STATUTORY REQUIREMENTS

Whenever this agency receives notice that the District Attorney has declined to prosecute a misdemeanor citation, the District Attorney liaison shall attempt to notify the person identified in

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the citation that he/she will not be charged and does not have to appear as directed in the citation (Wis. Stat. § 968.085(5)).

410.4 JUVENILE CITATIONS

Completion of citations for juveniles 12 years-of-age or older is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

Cases not closed by citation should be referred to the District Attorney's Office, if necessary, for diversion or prosecution.

Upon issuing a misdemeanor or municipal citation to a juvenile, this agency shall notify the juvenile’s parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

410.5 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for violation of protective orders or involving harassment (Wis. Stat. § 813.125(6)).

See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

410.6 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider (Wis. Stat. § 968.085(2)):

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual’s ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

(g) The person appears to represent a danger of harm to him/herself, another person or property.

(h) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the agency’s policies.

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Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Milwaukee County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Milwaukee County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.5.1 TRAFFIC OFFENSES

A deputy who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

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(a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.

(b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Active Shooter Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

412.2 POLICY

The Milwaukee County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Agency in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, deputies should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., SWAT Team, MRT Team).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Sheriff or the authorized designee should designate one or more supervisors to coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

The Training Director should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Milwaukee County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Wisconsin constitutions.

413.4 DETENTIONS

Individuals will not be contacted, detained, questioned, or arrested solely on the basis of being or suspected of being an undocumented immigrant, except as required by law. A deputy should not detain any individual, for any length of time solely for a civil violation of federal immigration laws (e.g., unauthorized entry, visa expiration) or a related civil warrant.

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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The Agency should not be diverted from the critical mission of keeping Milwaukee County safe by participating in enforcement of federal immigration law or by assisting federal immigration authorities, unless required by law or for officer safety needs and preservation of peace.

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials or any other federal agency for assistance from this agency should be directed to the Chief Deputy. The Agency may provide available support services, such as traffic control or peacekeeping efforts.

413.7 INFORMATION SHARING

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in agency records

(c) Exchanging such information with any other federal, state, or local government entity

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a

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warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.9 RECORDS

The Agency will not maintain a database or aid federal efforts to create a register regarding an individual's immigration status, citizenship status, country of birth, or based on any other protected characteristics of a victim, witness, or suspect of a crime unless required by law.

413.10 TRAINING

The Training Director should ensure deputies receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Field Training Officers

414.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Milwaukee County Sheriff's Office.

414.2 POLICY

It is the policy of this agency to assign all new sheriff's deputies to a structured FTO Program that is designed to prepare the new deputy to perform in a divisional assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

414.3 FIELD TRAINING OFFICER

The FTO is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

414.3.1 SELECTION PROCESS

FTOs will be selected based on certain requirements, which include:

(a) Desire to be an FTO.

(b) Must be off of probation.

(c) Have excellent character and professional integrity.

(d) Have the ability and desire to lead and work with a diverse group of people.

(e) Have a willingness to share knowledge with others.

(f) Have a good general working knowledge of the assigned area of responsibility.

414.3.2 TRAINING

A deputy selected as an FTO shall successfully complete an FTO course approved by the Agency prior to being assigned as an FTO.

414.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Training Academy Director or the authorized designee shall be responsible for the general oversight of the Field Training Officer Program. The Training Academy Director shall ensure:

(a) Schedule training rotations.

(b) Monitor and maintain trainee evaluations.

(c) Monitor the overall FTO Program.

(d) Maintain and issue the Field Training Manual to each trainee.

(e) Develop ongoing training for FTOs.

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414.4.1 FIELD TRAINING OFFICER PROGRAM COORDINATOR

Each division assigned training officers shall select one supervisor from each shift to acts as a coordinator. A coordinator will be selected from the rank of sergeant or above and should have completed supervisory and/or leadership training. The responsibilities of Field Training Officer Program Coordinators include:

(a) Assign trainees to FTOs.

(b) Conduct FTO meetings.

(c) Ensure training performance evaluations are completed.

(d) Update the Field Training Manual.

(e) Monitor individual FTO performance.

(f) Maintain liaison with academy staff on recruit performance during the academy.

414.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, which will consist of a minimum of twelve (12) weeks of field training including assignments in Patrol and Courts, and may include other assignments.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training.

414.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Field Training Program. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Milwaukee County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

414.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

414.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor as required.

(b) FTOs shall review the Daily Observation Report with the trainee as required.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

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(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

414.6.2 IMMEDIATE SUPERVISOR
The FTO's immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Officer Program Coordinator.

414.6.3 FIELD TRAINING PROGRAM COORDINATOR
The Field Training Officer Program Coordinator will review and approve the Daily Observation Report submitted through the FTO's immediate supervisor.

The Field Training Officer Program Coordinator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, every Field Training Officer Program Coordinator will hold a process review meeting with the Training Academy Director to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Sheriff or the authorized designee for review and approval.

414.6.4 TRAINEE
Throughout the Field Training Program, the trainee shall submit any required performance evaluations.

414.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Observation Reports

(b) End of phase evaluations

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Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide agency members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

415.5 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

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(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Office of Emergency Management, when applicable.

(g) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this agency will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene agency supervisor should ensure the accident is still appropriately investigated and documented.

415.6 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

415.7 DOCUMENTATION

All aircraft accidents occurring within the County of Milwaukee shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.7.1 WRECKAGE

When reasonably safe and this agency has the primary investigative jurisdiction, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

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(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.7.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.8 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Contacts and Temporary Detentions

416.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions (Wis. Stat. § 968.24).

Field photographs - Posed photographs taken of a person during a contact, or temporary detention. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - This is a limited type of search, often referred to as a "frisk", used by deputies in the field when a deputy has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the a deputy, the detainee, or others (Wis. Stat. § 968.25).

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity (Wis. Stat. § 968.24).

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is being required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement (Wis. Stat. § 968.24).

416.2 POLICY

The Milwaukee County Sheriff's Office respects the rights of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field

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photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

416.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contacts with consenting individuals is encouraged by the Milwaukee County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

416.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the deputy.

416.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

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(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

416.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

416.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

416.5.2 DISPOSITION OF PHOTOGRAPHS

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in compliance with the organization's records retention schedule.

416.5.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

416.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

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

1. When feasible, an FI should be completed for those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

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

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

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Criminal Organizations

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Milwaukee County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The Milwaukee County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this agency to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No agency member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff or the authorized designee has approved the system for agency use.

Any criminal intelligence system approved for agency use should meet or exceed the standards of 28 CFR 23.20.

A designated Investigative Services Bureau supervisor will be responsible for maintaining each criminal intelligence system that has been approved for agency use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

417.4 INFORMATION RECOGNITION

Agency members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang signs, indications, or distinguishing marks associated with a person or residence.

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(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating a hostility or ill feeling for a particular group.

(d) Information related to an illegal gambling operation.

Agency supervisors who utilize an authorized criminal intelligence system should work with the Training Director to train members to identify information that may be particularly relevant for inclusion.

417.5 RELEASE OF INFORMATION

Agency members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information, as authorized by an Investigative Services Bureau supervisor.

417.6 TRAINING

The designated supervisor in charge of a criminal intelligence system should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system.

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Shift Supervisor

418.1 PURPOSE AND SCOPE

Each shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with agency policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant or Sergeant heads each watch.

418.2 NIGHT AND WEEKEND COMMANDER

When the Divisional Commander is not working, a Captain or other designated supervisor shall serve as the acting commander during nights and weekends.

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Mobile Audio Video

419.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the agency’s mission and to ensure these systems are used securely and efficiently.

419.3 DEPUTY RESPONSIBILITIES

Deputies assigned to a squad with MAVs will utilize the equipment to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Agency any recordings or used media and any other related equipment.

At the start of each shift, deputies should test the MAV system’s operation in accordance with manufacturer specifications and agency operating procedures and training.

System documentation is accomplished by the deputy recording his/her name and the current date and time at the start each shift. The deputy should playback the recording to ensure system function. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on in a variety of ways. The system remains on until it is turned off manually. The audio recorder shall be utilized anytime the video recorder is activated.

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419.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Emergency vehicle operation
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. OWI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify Milwaukee County 911 Communications Division

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic abuse calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

(e) Any transportion of a subject

(f) Any other circumstance where the deputy believes that a recording of an incident would be appropriate.

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419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may be stopped during significant periods of inactivity such as traffic control away from an incident or other breaks from direct participation in the incident. If a recording is intentionally stopped, the member should make a verbal notation as to why prior to stopping the recording.

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including a CAD entry

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, agency-involved crashes), a supervisor shall ensure that recorded media is uploaded as soon as practicable.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, civil disturbance or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of surveillance regarding the conversations or actions of a deputy.

419.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Agency, unless otherwise specified by an existing memorandum of understanding. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to assess deputy performance

(d) To assess proper functioning of MAV systems

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(e) By agency investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By agency personnel who request to review recordings

(g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Sheriff or the authorized designee

(i) By the media or public through proper process or with permission of the Sheriff or the authorized designee

(j) To assess possible training value

(k) An audio/video recording may have value for training purposes. If the Training Academy or other supervisor intends on using the recording for training, the supervisor or authorized designee shall receive the permission of any involved current member prior to training use.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee or citizen.

419.6 DOCUMENTING MAV USE

If a deputy is assigned to a vehicle with MAV equipment and becomes aware of a malfunction of the MAV or an incident is not recorded by MAV equipment, it shall be noted in the related incident report or CAD.

419.7 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 122 days.

419.7.1 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should review their recordings and ensure the recordings are tagged appropriately.

419.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds, prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

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(d) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(e) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings.

419.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Digital Computer Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between agency members and Milwaukee County Office of Emergency Management 911 Communications Division.

420.2 POLICY

Milwaukee County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

420.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Agency. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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420.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Commander or other agency-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the radio.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Milwaukee County Office of Emergency Management 911 Communications Division. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the radio.

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420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Portable Audio/Video Recorders

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this agency while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held, or integrated into portable equipment (Wis. Stat. § 165.87).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Milwaukee County Sheriff's Office facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

421.2 POLICY

The Milwaukee County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Agency by accurately capturing contacts between members of the Agency and the public, enforcement actions, and critical incidents including uses of force in accordance with the law.

421.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any agency-issued device at any time, and any recording made while acting in an official capacity of this agency regardless of ownership of the device it was made on, shall remain the property of the Agency. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.4 MEMBER RESPONSIBILITIES

Prior to going into service, each member assigned a portable audio/video recorder will be responsible for making sure it is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. Non-uniformed members who are assigned to enforcement, self-initiated activity, or civil process should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable,

Any member assigned to a non-uniformed position doing covert or undercover assignments may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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The use of a portable audio/video recorder may not be allowed for certain uniform assignments in Courts as authorized.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

421.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify Milwaukee County 911 Communications Division

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. A portable audio/video recorder should not be used in situations including but not limited to:

- Upon entering the Criminal Justice Facility, excluding the sallyport.
- A strip search or a body cavity search.
- In locations where individuals have a reasonable expectation of privacy, such as a residence, the resident may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the occupants.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

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421.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. If a recording is intentionally stopped, the member should make a verbal notation as to why prior to stopping the recording.

421.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another agency member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

421.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using agency-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with agency-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate agency business purposes. All such recordings shall be retained at the Agency.

Members are prohibited from using personally owned recording devices to record audio or video while on-duty without the express consent of the supervisor. Any member who uses a personally owned recorder for agency-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

421.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should review their recordings and ensure the recordings are tagged appropriately.

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421.8 REVIEW OF RECORDED MEDIA FILES

A member will not allow a citizen to review a recording unless there is an investigative reason to do so and such viewing has been approved by a supervisor and can be accomplished in a controlled setting.

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Agency who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Wis. Stat. § 165.87(3)).

421.8.1 USE OF AUDIO/VIDEO RECORDINGS FOR TRAINING

An audio/video recording may have value for training purposes. If the Training Academy or other supervisor intends on using the recording for training, the supervisor or authorized designee shall receive permission of any involved current member prior to training use.

421.9 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Wis. Stat. § 165.87):

(a) Ensuring members are trained in use of the equipment prior to deployment.

(b) Establishing procedures for the security, storage, and maintenance of data and recordings.

(c) Establishing procedures for accessing data and recordings.

(d) Establishing procedures for logging or auditing access.

(e) Establishing procedures for transferring, downloading, tagging, or marking events.

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(f) Coordinating with the Training Director to provide training on this policy to:

1. Deputies who are authorized to use portable audio/video recorders.
2. Members of the Agency who use, maintain, store, or are responsible for the release of records and recordings.

(g) Periodically reviewing the Agency's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.

(h) Ensuring this policy is available to the public on the Agency's website.

421.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days (Wis. Stat. § 165.87).

421.10.1 EXCEPTIONS TO RETENTION REQUIREMENTS FOR BODY-WORN CAMERAS

Exceptions to the 120-day retention period for body-worn cameras are as follows (Wis. Stat. § 165.87):

(a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:

1. Death or actual or alleged physical injury to any person in the recording
2. An encounter resulting in custodial arrest
3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal

(b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.

(c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by a deputy from this agency or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.

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Public Recording of Law Enforcement Activity

422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this agency. In addition, this policy provides guidelines for situations where the recordings may be evidence.

422.2 POLICY

The Milwaukee County Sheriff's Office recognizes the right of persons to lawfully record members of this agency who are performing their official duties. Members of this agency will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies and correctional officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

422.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

  (a) Tampering with a witness or suspect.

  (b) Being so close to the activity as to present a clear safety hazard to the deputies or correctional officers.

  (c) Being so close to the activity as to interfere with a deputy’s or correctional officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, correctional officers, him/herself or others.

422.4 DEPUTIES AND CORRECTIONAL OFFICERS RESPONSE

Deputies and correctional officers should promptly notify a supervisor whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence.

Whenever practicable, deputies or correctional officers should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy or correctional officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies or correctional officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

422.5 SEIZING RECORDINGS AS EVIDENCE

Deputies or correctional officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to an agency-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

422.6 RULES GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY COVERAGE OF JUDICIAL PROCESSING

Chapter 61 of the Wisconsin Supreme Court Rules gives trial court judges the power, authority, and responsibility to control the conduct of the proceedings before them which includes decisions over the inclusion or exclusion of the press or public at particular proceedings or during the testimony of particular witnesses. As such, the above sections of this policy do not apply inside a Milwaukee County Courtroom (Wis. SCR § 61).

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Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase deputy visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize deputy’s mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to agency needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Commander.

423.3 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a request to be considered for the unit. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol Unit supervisor and a second person to be selected by the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as they pertain to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Patrol Divisional Commander or the authorized designee.

The Bicycle Patrol Unit supervisor’s responsibilities include:

(a) Organizing bicycle patrol training

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment

(c) Scheduling maintenance and repairs

(d) Evaluating the performance of bicycle deputies

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(e) Coordinating activities with the Patrol Division

(f) Inspecting and documenting, no less than every three months, that bicycles not in active service are in a serviceable condition

(g) Other activities as required to maintain the efficient operation of the unit

423.4 TRAINING

Selected personnel must complete an initial agency-approved bicycle-training course prior to acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Final selection to the bicycle patrol unit shall be made after candidates complete the training course.

423.5 UNIFORMS AND EQUIPMENT

Bicycle deputies shall wear the agency-approved uniform and safety equipment while operating the sheriff's bicycle. Safety equipment includes agency-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle uniform consists of the standard short sleeve uniform shirt or other agency-approved shirt with agency badge and patches, and agency-approved bicycle patrol pants or shorts.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

agency

423.6 CARE AND USE OF PATROL BICYCLES

(a) Deputies will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

(b) Bicycles utilized for uniformed bicycle patrol shall have a "Sheriff's" decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front and rear reflectors. Reflectors must meet legal requirements.

(c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage, and citations.

(d) Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

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(e) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(f) Deputies shall not modify the patrol bicycle, remove, modify, or add components except with the express approval of the Bicycle Patrol Unit supervisor or in the event of an emergency.

(g) Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(h) Bicycles should not be left unattended unless there is an emergency or exigent circumstance.

423.7 DEPUTY RESPONSIBILITIES

Deputies must operate the bicycle in compliance with Wisconsin law under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to a deputy when operating an authorized emergency vehicle do not provide relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

Deputies are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

(a) In response to an emergency call

(b) While engaged in rescue operations

(c) In the immediate pursuit of an actual or suspected violator of the law

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Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 POLICY

It is the policy of this agency that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to agency members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

The safety of agency members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and agency members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place agency members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the reasonable perception of risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

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(e) Unmanned aerial vehicle or air support.

(f) Apprehension at another time when the identity of the suspect is known.

424.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical exhaustion of the deputy renders him/her incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with Milwaukee County 911 Communications Division or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to agency members or the public if the suspect is not immediately apprehended.

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(o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Number of suspects and description, to include name if known

(d) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Milwaukee County 911 Communications Division of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

424.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

424.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the incident. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the incident. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established agency guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

If possible, upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

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Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Milwaukee County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Milwaukee County Sheriff's Office will address these needs in balance with the overall mission of this agency. Therefore, deputies will consider the following policy when serving the homeless community.

425.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this agency will not use homelessness solely as a basis for detention or law enforcement action.

425.3 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

Deputies responding to complaints of a homeless person on county property should:

(a) Determine if removal is appropriate.

(b) If the homeless person appears to be living on the county property and removal is appropriate, deputies should provide the person written notice to vacate the area within five days.

(c) Contact Milwaukee County Outreach to render assistance to the homeless.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and cleanup operations.
2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

425.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however,

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require special consideration for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

425.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to Milwaukee County Outreach.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform Milwaukee County Outreach if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of Milwaukee County Outreach to address the matter in a timely fashion.

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425.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

425.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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First Amendment Assemblies

426.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

426.2 POLICY

The Milwaukee County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

426.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants, unless their participation is part of an undercover assignment.

(b) Harass or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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426.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating agency performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

426.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to a supervisor. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

426.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

426.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

426.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan should provide for the following, as applicable:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with County government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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(t) Parameters for the use of body-worn cameras and other portable recording devices

426.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

426.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord (Wis. Stat. § 346.16; Wis. Stat. § 947.06; Milwaukee County Ord. 63.03). Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

426.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law).

Any use of force by a member of this agency shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

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426.8 ARRESTS

The Milwaukee County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see Citation Releases Policy).

426.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

426.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

426.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following, as applicable:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment, and supply records

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(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Milwaukee County 911 Communications Division records/tapes

(g) Media accounts (print and broadcast media)

426.11.1 AFTER-ACTION REPORTING

As applicable, the Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time, and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

426.12 TRAINING

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

427.1 PURPOSE AND SCOPE

This policy provides members of the Milwaukee County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Wisconsin law.

427.2 POLICY

The Milwaukee County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this agency will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

427.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts are not reached in a timely manner.

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427.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available.

427.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

427.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with civil disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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427.6.1 CRIMINAL TRESPASS TO DWELLINGS

When a deputy has probable cause to believe that the person has committed criminal trespass in a dwelling in violation of Wis. Stat. § 943.14 the deputy should arrest and remove the violator (Wis. Stat. § 175.403). Considerations for determining whether probable cause exists include:

(a) An identified owner or other person responsible for the dwelling identifies the person as a violator.

(b) An identified owner or other person responsible for the dwelling has supplied the agency with an affidavit or other documents identifying those persons permitted to be on the property and restricting access to others.

(c) The person produces reasonable documentation (e.g., rental receipts, service, utility bills, postal or shipping deliveries) that identifies the person is lawfully in the dwelling.

(d) A person familiar with the area or property is able to identify those with a history of access to the dwelling.

(e) Statements made or observations that corroborate whether the person created or provoked a breach of the peace (e.g. a fear of bodily harm was created or the peace and sanctity of the home was otherwise disturbed or disrupted).

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Suspicious Activity Reporting

428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

428.2 POLICY

The Milwaukee County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

428.3 RESPONSIBILITIES

The Criminal Investigation Division Divisional Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for agency participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Criminal Investigation Division Divisional Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Agency that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Agency.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Agency conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

428.4 REPORTING AND INVESTIGATION

Any agency member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an incident report using the appropriate CFS code and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a supplemental report and not included in the original incident report.

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Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

429.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Agency will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

429.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies responding to a call involving a person in a mental health crisis shall act in accordance with training provided by the Milwaukee County Sheriff's Office Training Academy and the State of Wisconsin DOJ.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

If feasible, and without compromising safety, a deputy responding to a call involving a person in a mental health crisis should:

(a) Turn off flashing lights, bright lights, or sirens.

(b) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

429.5 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies should avoid:

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- Using stances or tactics that can be interpreted as aggressive.
- Allowing others to interrupt or engage the person.
- Cornering a person who is not believed to be armed, violent or suicidal.
- Arguing, speaking with a raised voice, or using threats to obtain compliance.

429.6 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

429.7 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

429.8 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Agency will develop and provide comprehensive education and training to all agency members to enable them to effectively interact with persons in crisis.

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Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Milwaukee County 911 Communications Division and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Milwaukee County 911 Communications Division with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - (a) Signs and symptoms as observed by the member.
  - (b) Changes in apparent condition.
  - (c) Number of patients, sex, and age, if known.
  - (d) Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - (e) Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

430.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, the deputy should notify the jail nurse for a medical evaluation.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance.

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Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

430.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

430.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested.

Responsibilities for the use of an air ambulance include:

- Coordinating a landing zone with the responsible EMS.
- Securing the area and maintaining that security once the landing zone is identified.
- Notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Establishing communication between ground personnel and flight personnel during the operation.

One EMS member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

430.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

430.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in agency vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Stationary AED's maintained within the facility should be regularly checked by the respective Division Commander or the designee

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to ensure they are properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Director or the authorized designee who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

430.9.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

430.9.3 AED TRAINING AND MAINTENANCE
The Training Director should ensure appropriate training is provided to members authorized to use an AED (Wis. Stat. § 256.15(8)).

The Training Director is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

430.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

A member may administer opioid overdose medication in accordance with protocol specified by the Milwaukee County Office of Emergency Management - EMS Division who prescribed the overdose medication for use by the member as long as the member has the knowledge and training necessary to safely administer the opioid overdose medication (Wis. Stat. § 256.40).

430.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Academy.

Any member who administers an opioid overdose medication should contact Milwaukee County 911 Communications Division as soon as possible and request response by EMS.

430.10.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report. The on-duty supervisor shall complete the online Naloxone Use by Law Enforcement Officer reporting form.

430.10.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Director should ensure training is provided to members authorized to administer opioid overdose medication.

430.11 FIRST AID TRAINING

Subject to available resources, the Training Director should ensure deputies receive periodic first aid training appropriate for their position.

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Mobile Response Team

431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Mobile Response Team (MRT) while maintaining civil order during incidents of civil unrest through a contingency that utilizes specially trained and equipped personnel. MRT's mission is to protect lives and property, and can respond to civil disturbances, natural disasters, or any other event which requires personnel resources beyond those immediately available.

Refer to the First Amendment Assemblies Policy for additional guidance.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Civil disobedience - The refusal to obey laws in an effort to affect change and/or express a viewpoint characterized by using passive resistance or other nonviolent means.

Civil disturbance - An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is potential of imminent danger of collective violence, destruction of property, or other unlawful acts.

Long-range acoustic devise (LRAD) or other voice-amplification device - An acoustic hailing device to send messages and warning tones over longer distances or at higher volume than normal loudspeakers.

Mobile field force - A unit of deputies who assemble to provide a rapid, organized, and disciplined response to a civil disturbance, crowd control, or natural disaster.

MRT personal protections equipment (PPE) - MRT PPE consists of a riot helmet with a face shield, impact resistant chest protector, impact resistant shin guards, impact resistant forearm, gas mask and filter.

Peaceful demonstration - A gathering of people expressing a position in a cooperative manner without violation of law.

Unlawful assembly - A meeting of a set number of people as described by state law, who intent either to commit a violent crime or to carry out an unlawful act, that will constitute a breach of the peace.

431.2 POLICY

It is the policy of the Agency to protect the rights of citizens to peaceably assemble and lawfully express their views. It is the responsibility of the Agency to preserve the peace and protect life and property (Wis. Stat. § 947.06(1)).

MRT provides the Agency with the capability to appropriately respond to large public gatherings, demonstrations, disturbances, or other public safety incidents. Through the measured use of these

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trained and specially equipped deputies, the Agency can more effectively accomplish its mission and goals.

431.3 TEAM COMMAND STRUCTURE

Levels of command and areas of responsibility with MRT include:

(a) MRT Commander - Shall be responsible for the overall command and operation of MRT and shall be the rank of at least sergeant.

(b) Assistant MRT Commander - Shall assist and assume the MRT Commander's duties in the absence of the MRT Commander and be the rank of at least sergeant.

(c) Platoon leader - Shall be responsible for the operation of two to four squads.

(d) Squad leader - Shall be responsible for the operation of a team of up to seven members.

(e) Squad - A squad consists of a squad leader and a minimum of six team members. In addition, a squad may also include a medic and two grenadiers.

(f) Grenadier - MRT-trained deputy assigned to a platoon and trained in the delivery of chemical and impact munitions during MRT deployments.

(g) Medic - MRT-trained deputy assigned to a platoon who has completed advanced medical training (e.g., Tactical Emergency Critical Care, EMT Tactical Emergency Medical Service personnel, a military medic/corpsman).

(h) Extricator - MRT-trained deputy who has completed advanced training to extricate individuals safely from protester devices while reducing liability and ensuring due process.

(i) Vehicle coordinator - Shall be responsible for the serviceability of all vehicles assigned to MRT.

431.4 ACTIVATION AND DEACTIVATION OF MRT

MRT may be activated by the Sheriff or the authorized designee.

MRT may be activated when:

- The incident is complex in nature.
- The incident requires the resources of more than one division for an extended period of time.
- The incident requires a ready response for all hazardous incidents requiring enhanced intervention.
- The incident requires the need to police civil disturbances, public demonstrations, or natural disasters.
- The incident is multi-jurisdictional or multi-disciplinary in nature.
- Any other circumstances as directed by the Sheriff or designee.

MRT may be deactivated when:

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- The disturbance has been brought under control and at the discretion of the incident commander. Refer to the Crime and Disaster Scene Integrity Policy for additional guidance.
- The MRT commander shall ensure all necessary personnel shall be debriefed.

431.5 DEMONSTRATIONS

Preparation for responding to a demonstration shall be a shared responsibility with the Sheriff or the authorized designee, LEAD, the incident commander, and the MRT Commander.

Specific crowd dispersal tactics shall be ordered, as necessary, when the crowd does not heed warnings. These include any one or combination of the following:

(a) Display of forceful presence to include police lines combined with bicycles, horses, police vehicles, and mobile field forces

(b) Crowd encirclements

(c) Multiple simultaneous arrests

(d) Use of crowd control chemical agents

(e) Police formations using trained techniques for forcing crowd movement

431.6 MRT INDIVIDUAL MEMBER EQUIPMENT

431.6.1 RESPONSIBILITY OF MRT MEMBERS

As members they must have equipment available for response to call up, they must safely store the equipment in a manner readily accessible to them.

The MRT Assistant Commander shall maintain a log of the MRT equipment and shall track all equipment issued to members.

431.6.2 ISSUED MRT PPE EQUIPMENT

The following is a list of issued MRT PPE equipment:

- Riot helmet with shield and neck flap
- Hard outer shell body protector (turtle gear), which includes chest, back, shoulder, full arm, full leg, top of foot, groin, and hand protection
- MRT identification number
- Gas mask with two filters
- Gas mask holder
- Large deployment bag/backpack
- Duty-issued 36-inch wooden baton

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431.6.3 SPECIALIZED EQUIPMENT
MRT specialized equipment is stored on the MRT truck and is available for deployment by MRT members. Specialized equipment includes:

- Protective shields
- Extrication equipment
- LRAD or other voice-amplification device

431.7 SELECTION AND MEMBERSHIP STANDARDS

431.7.1 VACANCIES
When vacancies are anticipated in MRT, a notice will be posted agency-wide and interested applicants are to submit the required form to the MRT Commander and Assistant Commander.

431.7.2 TRAINING
A candidate selected for MRT must successfully complete a Federal Emergency Management (FEMA) field force operations (FFO) course and shall attend continuing educational training as prescribed by the MRT Commander.

431.7.3 RETENTION
Any member of MRT may request to be removed from active status by submitting an Agency Matter Of to the MRT Commander.

All agency-issued MRT equipment shall be returned in good working order to the MRT Assistant Commander as soon as practicable after the member’s removal from MRT.

431.8 TRAINING
MRT recognizes that training is an essential component of successful resolution of civil unrest, demonstrations, and natural disasters.

MRT shall focus training on topics related to maintaining peace and order both locally and nationally. Training shall be focused towards maintaining competency in the skill sets most utilized during deployment of MRT. Training will consist of classroom instruction, practical application, and scenario-based application of the material presented and reinforcement of acquired skills.

431.8.1 TRAINING REQUIREMENTS
In addition to the basic formations and maneuvers, members will be provided advanced hand-to-hand crowd management techniques emphasizing the proper utilization of batons and shields as protective devices in crowd situations. The areas covered will include, but are not limited to, the following subject matters:

- Overview of civil disturbance
- Team tactics/exercises
- Chemical and impact munitions

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- Mass arrests/exercises
- Crowd management formations exercises

431.8.2 SPECIALTY TRAINING

Grenadier - All grenadiers receive a basic eight-hour qualification course in chemical munitions and launchers administered by a certified chemical munitions instructor.

Medic - All medics receive a minimum of eight-hour Tactical Combat Causality Care (TCCC) course or higher level training. MRT-trained officers assigned to platoons and trained as TCCC, EMT, tactical emergency medical service personnel, or members certified as military medic/corpsman for MRT deployments.

Extrication - MRT-trained officer who has received certification through FEMA for extricating individuals safely from protester devices while reducing liability and ensuring due process.

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Motorcycle Unit

432.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office Motorcycle Unit is a valuable element of the agency, created to enhance traffic enforcement, motorist safety, and public relations. The purpose of this policy is to establish the mission and duties of the Milwaukee County Sheriff's Office Motorcycle Unit, and to provide procedures, guidelines, and requirements that regulate the operation.

432.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to maintain the highest level of integrity in the selection, training, and operation of the Motorcycle Unit.

432.3 OBJECTIVES

The objectives of the Milwaukee County Sheriff's Office Motorcycle Unit are:

(a) To preserve the public safety.

(b) To complement and enhance the patrol function of the Milwaukee County Sheriff's Office.

(c) To reduce the number of traffic crashes on Milwaukee County roadways through increased presence and visibility.

(d) To respond to emergencies in a versatile manner, utilizing the maneuverability of the motorcycle.

432.4 ASSIGNMENT TO THE UNIT

In order to be assigned to the Motorcycle Unit, deputies shall follow any application and testing processes prescribed by the Motorcycle Unit Commander. Applicants must possess a valid Class M license and successfully complete the prescribed training course.

432.5 VEHICLE ASSIGNMENT

Once assigned to the Motorcycle Unit, a deputy may be assigned a take home motorcycle as authorized by the Motorcycle Unit Commander. The storage conditions of the motorcycle when taken home shall be approved by the Motorcycle Unit Commander. When stored at home the assigned deputy shall:

(a) Ensure that, when it is not in use, the motorcycle is housed in a secure location that provides shelter from the elements.

(b) Utilize the motorcycle's steering lock mechanism.

(c) Shall store the key in a separate safe location.

Motorcycles stored at an agency approved location (e.g., Patrol Substation) shall be secured in a similar manner as home storage.

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432.6 TRAINING

(a) Selected candidates shall attend an Agency-approved Basic Police Motorcycle Operator's Course. After successful completion of the course, the candidate shall be appointed to the Motorcycle Unit.

(b) If a member fails to successfully complete the basic course after remedial training, the Unit Commander shall notify the Commanding Officer via the chain of command.

(c) In order to preserve the credibility and integrity of the Motorcycle Unit’s Training program, any member who fails to successfully complete the remedial training shall not be assigned to the Motorcycle Unit.

432.7 EQUIPMENT

(a) All equipment for members of the Motorcycle Unit, including uniforms, shall be authorized by the Motorcycle Unit Commander. Any exceptions shall be authorized in writing.

(b) Agency-approved helmets shall be worn when operating agency motorcycles.

(c) Motorcycles shall be marked consistent with existing agency practices.

(d) Unauthorized equipment and personal modifications shall not be permitted on motorcycles. This includes devices, decals, stickers, and tags.

432.7.1 MINIMUM REQUIRED EQUIPMENT

When operating a motorcycle, deputies shall carry, at a minimum:

(a) A fire extinguisher

(b) A first-aid kit

432.8 UNIFORMS

Refer to the Uniform Regulations Policy and the uniform and equipment specifications manual lists.

432.9 PATROL PROCEDURES

(a) Passengers are not allowed at any time.

(b) If a deputy makes an arrest which requires prisoner transport, the deputy shall request a patrol car to respond to the scene for prisoner transport.

(c) During periods of inclement weather, when the operation of a motorcycle is unsafe or impractical, deputies should perform duties in their assigned patrol cars.

432.10 MAINTENANCE

(a) Motorcycles shall be maintained properly at all times. Maintenance and other services will be conducted in accordance with manufacturer’s specifications.

(b) A pre-ride inspection will be conducted by the operator prior to each shift.

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(c) Motorcycles shall be kept in a clean condition and shall be checked for cleanliness by supervisors as appropriate.

(d) All warranty and non-warranty repair work shall be completed by authorized personnel approved by the Unit Commander.

432.11 ESCORTS

Off-duty escorts are not permitted.

On-duty escorts may be provided under the following circumstances:

(a) In accordance with Wis. Stat. § 346.215;

(b) When specifically required to do so by statute;

(c) When it will enhance public safety;

(d) When requested for the security of dignitaries;

(e) At funerals of law enforcement officers killed in the line of duty, or other funerals of dignitaries upon request, with the approval from the Patrol Division Commander;

(f) When weather permits; and

(g) At the direction of the Patrol Division Commander.

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Honor Guard

433.1 PURPOSE AND SCOPE

The Honor Guard Unit of the Milwaukee County Sheriff's Office exists to honor and pay homage to the National Colors, represent the Milwaukee County Sheriff's Office at official functions, and to represent those who have served as law enforcement officers and have given the ultimate sacrifice for their communities.

433.1.1 DEFINITIONS

Definitions related to the policy include:

Colors - An assembly of flags to include the American flag, state flag, county flag, agency flag, and POW/MIA flag.

433.2 POLICY

The Milwaukee County Sheriff's Office Honor Guard Unit shall represent the Agency at the funeral of fallen officers, ceremonial functions, and community events. The Honor Guard Unit shall operate under the general ceremonial guidelines set forth by the United States Military Services.

433.3 SELECTION TO THE UNIT

Members of the Honor Guard Unit are selected by the Sheriff or the authorized designee. The selection process may include:

- Physical capabilities/skills testing
- Interview process

Honor Guard Unit members are expected to consistently embody the highest degree of professionalism, esprit, and military bearing in executing the duties of representing the Sheriff's Office at assigned functions.

433.4 ASSIGNMENTS

Members may be assigned to any detail as approved by the Honor Guard Unit Commander or the authorized designee. Every effort shall be made by the Honor Guard Unit Commander to ensure that assignments are equally distributed among members.

Honor Guard Unit assignments are considered on-duty assignments.

433.5 UNIFORMS

Members shall be outfitted in the full Honor Guard Unit uniform to include:

- Black Stratton hat (cover)
- Hat shield
- Black dress blouse (jacket)

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- White long-sleeve shirt
- Honor Guard pin
- White dress gloves
- Black pants with gold striping
- Black leather shoes
- Black Honor Guard duty belt with holster and cuff case
- Appropriate ascot and braiding

Members shall wear the full Honor Guard Unit uniform for duty assignments. The wearing of the blouse jacket is optional based on the weather and at the direction of the officer-in-charge of a given assignment.

433.6 DUTIES

Detail assignments may include but are not limited to:

- Presentation of Colors
- Funeral details
  - Casket detail
  - Doors during visitation
  - Pall bearers
  - Folding of American flag
  - Rifle squad
  - Bugler
- Line of duty death (refer to the Line-of-Duty Deaths Policy for additional guidance)
- Parades

There will be no rank structure within the Honor Guard Unit itself. Any member may be called upon to be the officer-in-charge. The officer-in-charge shall be responsible for the following:

- Ensure that all needed equipment is available and in serviceable condition for the event and returned to the storage area in the same condition.
- Keep track of the hours worked for all members of the detail and forward it to the Honor Guard Unit Commander.
- Call cadence for the detail.
- Ensure that appropriate transportation is available.

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433.7 AFFORDED HONORS

The Honor Guard Unit will follow the general military protocols regarding afforded honors and proper flag etiquette.

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Bomb Squad

434.1 PURPOSE AND SCOPE

The purpose of the Bomb Squad is to safely isolate, deactivate, transport, and dispose of incendiary and explosive devices, whether of a commercial or improvised nature. Members provide in-service and recruit-level training to Milwaukee County Sheriff's Office personnel to be able to safely conduct searches and recognize potential hazardous devices during bomb threat situations. The Bomb Squad is available to all Milwaukee County municipalities and public agencies statewide upon request and with the approval of the Sheriff or the authorized designee.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Suspect device - An item, which is believed to be hazardous, explosive, biological, chemical, or nuclear.

434.2 POLICY

The policy of the Milwaukee County Sheriff's Office Bomb Squad is to respond to as directed whenever a suspect device is found and proceed to take whatever measures are required to protect life and property. The Bomb Squad will be responsible for the removal and disposal of improvised explosive devices (e.g., homemade bombs, arson devices), all explosives, explosive chemicals, and similar dangerous articles.

434.3 SELECTION PROCESS

The minimum criteria for selection to the Bomb Squad is three years of service with the Agency, a minimum commitment of five years, and be willing and able to be on-call on a rotational basis.

The assessment process shall consist of a physical test, an oral interview, and a review of personnel files.

Selected members must pass a federal security background check and medical examination.

434.4 EXPLOSIVE TRAINING

The Bomb Squad is comprised of members of the Sheriff's Office, who are trained and qualified as Bomb Technicians.

Officers assigned to the Bomb Squad must attend and successfully complete the 40-hour hazmat technician certification, the six-week FBI Hazardous Devices School (HDS), and the 40-hour tactical explosive breaching certification course.

Bomb technicians shall attend additional periodic training at United States Army refresher courses or FBI retraining sessions. Each officer must complete a minimum of 24 hours per month of Bomb Squad training, as well as recertification every three years.

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434.5 EXPLOSIVE HANDLING

If any member of this agency finds a suspected improvised explosive device, it is to be handled by members of the Bomb Squad only. The Bomb Squad shall be notified immediately and on-site personnel should evacuate as needed.

Calls received by this agency regarding any type of explosive, such as dynamite, nitroglycerin, or anything considered to have explosive capabilities, are to be forwarded and handled by the members of the Bomb Squad.

434.6 EXPLOSIVE TRANSPORTATION

The Bomb Squad will make the determination if a suspect item is to be transported to another site for safety reasons. As resources allow, marked squads should be placed in front of and behind the Bomb Squad Transporter.

434.7 CALL-UP PROCEDURE

Calls received requesting Bomb Squad assistance will be directed to Office of Emergency Management Communications Division (OEM). The Shift Commander will be notified of the situation by OEM. OEM will direct the request to the "on-call" bomb technician.

Two technicians will be on standby status at all times and will be available by a telephone number.

A minimum of two technicians will respond to all requests for Bomb Squad assistance.

The Bomb Squad Commander or Assistant Commander, if the Commander is not available, will be notified of the situation by the technicians prior to responding to the call.

Upon completion of the call up, the Shift Commander and the Bomb Squad Commander will be notified. Other notifications should be completed as required.

If a change to the on-call scheduling is needed, the Bomb Squad Commander and OEM shall be notified.

434.8 REQUEST FOR SERVICES BY OUTSIDE AGENCIES

Requests to render safe an improvised explosive device must come from a law enforcement agency via TTY. The Milwaukee County Sheriff’s Bomb Squad will not respond to unconfirmed reports unless police intelligence indicates substantial reason to believe a device will be found.

The Bomb Squad is a regional response unit, serving the citizens of southeast Wisconsin. The Sheriff or the authorized designee must approve response to requests from areas outside of this region.

434.9 MILWAUKEE MITCHELL INTERNATIONAL AIRPORT SECURITY

In the event that a bomb is reported aboard an aircraft at Milwaukee Mitchell International Airport, and the aircraft is cleared for landing at the airport, the Bomb Squad Commander should coordinate with Airport Operations.

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Maritime Unit

435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Milwaukee County Sheriff's Office Maritime Unit guidance in procedures, guidelines, and requirements that regulate the operation of the unit.

The Milwaukee County Sheriff's Office Maritime Unit was created to enhance boating law enforcement, boating safety, and public relations. The purpose of this policy is to establish the mission and duties of the Milwaukee County Sheriff's Office Maritime Unit, and to provide procedures, guidelines, and requirements that regulate the operation.

435.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to enhance boating law enforcement, boating safety, and public relations through the use of a maritime unit.

435.3 OBJECTIVES

The objectives of the Milwaukee County Sheriff's Office Maritime Unit are:

(a) To preserve the public safety.

(b) To complement and enhance boating safety within the jurisdiction of the Milwaukee County Sheriff's Office.T

(c) To reduce the number of boating related incidents through enforcement, education, and engagement.

(d) To respond to emergencies in a versatile manner, utilizing the capabilities of the agency's watercraft.

(e) To assist our neighboring and partnering law enforcement agencies with their maritime operations, to promote safety and public trust.

435.4 JURSIDICTIONAL BOUNDARIES

The jurisdictional boundaries of the Maritime Unit are from the north county line to the south county line, from the center of Lake Michigan to the shore, to include the Milwaukee, Menomonee, and Kinnickinnic rivers.

435.5 ASSIGNMENT TO THE MARITIME UNIT

In order to be assigned to the Maritime Unit, members shall follow any application and testing processes prescribed by the Agency.

435.5.1 SELECTION PROCESS

The process for selection shall include:

(a) Posting of the vacant position

(b) Conducting interviews

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(c) Ranked list of eligible candidates

(d) Submitting ranked list, with qualifications, of eligible candidates to Administration for review

(e) Appointment to the Maritime Unit

435.5.2 QUALIFICATIONS
An applicant shall:

(a) Have completed probation.

(b) Successfully complete agency training.

(c) Have the ability to be onboard a watercraft without becoming ill from motion sickness (with reasonable accommodation).

(d) Have the ability to swim.

(e) Possess a valid Wisconsin Boating Safety Certificate withing one month of appointment, if born on or after January 1st, 1989.

It is preferred that applicants possess five years of steady large water boating experience, but it is not required.

A one-year probationary period applies to new applicants.

435.6 UNIT MEMBER DUTIES

Members assigned to the Maritime Unit are responsible for:

(a) Safely and proficiently operating agency watercraft, including propulsion, navigation, maneuvering, instrumentation, and VHF radio communications.

(b) Active patrols of waters within the Agency’s jurisdiction.

(c) Making arrests, when appropriate.

(d) Issuing citations for boating violations.

(e) Assisting watercraft operators in distress.

(f) Performing community policing functions to include demonstrations and safety inspections.

(g) Assisting in the upkeep of agency watercraft.

(h) Other duties as assigned by the Unit Commander.

435.7 PATROL REQUIREMENTS

(a) Members assigned to the Maritime Unit will use agency boats or any other boat approved by the Agency as determined by the Unit Commander or the authorized designee.

(b) Maritime Unit members will be under the command of the Maritime Unit Commander, or in his/her absence, an authorized designee. For on-water operations where the Unit Commander is not present, an officer-in-charge will be selected by the Unit

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Commander for safety purposes. This will typically be a member with the most time and experience with the Maritime Unit.

(c) Maritime Unit members should exercise due caution when executing stops and/or inspections. When a Maritime Unit member takes custody of an individual, a patrol officer assigned to the road will handle custodial transports. The arresting Maritime Unit member will be responsible for completing all related paperwork.

(d) The patrol boat will be operated in a safe, professional, and courteous manner, and in accordance with any training, as well as applicable laws and/or regulations. Reckless, unsafe, unprofessional, and other inappropriate conduct during Maritime Unit patrol may result in disciplinary action.

(e) Maritime Unit members are required to document their activities on a daily log which is authorized by the DNR and approved by this agency.

(f) Maintenance of the any agency boats is the responsibility of the members assigned to the Maritime Unit. Members shall inform the Unit Commander of any damage or repairs necessary to the agency boats.

(g) Maritime Unit deployments shall consist of no less than three members (e.g., helmsman, radio operator/navigator, and linesman/contact member). Members shall not conduct Maritime Unit patrol alone unless authorized by the Unit Commander, or in his/her absence, the Sheriff or the authorized designee.

(h) Maritime patrols will not typically take place during periods of inclement weather. Scheduled postings may be cancelled with short notice during inclement weather. Cancellations will be determined by the Unit Commander, or in his/her absence, the on-duty field deputy. Members should consult with these supervisors if they believe the patrol should be suspended or cancelled.The ultimate decision whether to deploy, and if it is reasonably safe under the circumstances, is solely the decision of the crew assigned for that deployment.

435.8 MUTUAL AID

Maritime Unit patrols may respond outside the boundaries of the Agency’s jurisdiction to perform mutual aid upon request by a surrounding or partnering agency, or by the United States Coast Guard (USCG). Requests for mutual aid shall be approved by the Sheriff or the authorized designee. Notification of a request shall be made to the Unit Commander as soon as practical.

If members are on patrol and distress emergencies are broadcast over the marine radio either by other marine vessels, the USCG, or other agencies, and the Maritime Unit’s response could mitigate the severity, members should respond after advising dispatch of the nature of the call. Notification of the response shall be made to the Sheriff or the authorized designee and to the Unit Commander, as soon as practicable.

435.9 ISSUED EQUIPMENT

Given the potential for a rapid deployment situation, at the direction and discretion of the Unit Commander, members assigned to the Maritime Unit may be issued the following equipment:

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(a) Boat ignition/cabin keys

(b) Marina keys

(c) Marina parking pass

This equipment shall be turned back over to the Unit Commander upon resigning, being removed from the Maritime Unit, or at the request of the Unit Commander.

435.10 MAINTENANCE

Identifying the physical needs of the Agency's watercraft shall be the responsibility of all Maritime Unit members. Proper functioning mechanical equipment, navigation instrumentation, and communication equipment is imperative to the safety of the crew and members of the public. Any Maritime Unit member observing deficiencies with a watercraft's operational equipment shall notify the Unit Commander as soon as practicable.

(a) Agency watercraft shall be maintained properly at all times. Maintenance and other services will be conducted in accordance with manufacturer's specifications.

(b) A pre-deployment inspection will be conducted by the crew prior to each deployment. Items to consider are:

1. Emergency lights/siren and the public address system
2. Police and VHF radio
3. Radar, chart plotter and sonar
4. Navigational lighting
5. Bilge pumps
6. Engine oil and fuel levels
7. Steering and trim
8. Safety equipment required by the USCG for operation on federally navigable waters
9. Anchor with chain/lines
10. Fenders and mooring lines

(c) The watercraft shall be kept in a clean condition and shall be washed prior to deployment, when practicable.

(d) All warranty and non-warranty repair work shall be completed by authorized personnel approved by the Unit Commander.

435.11 TRAINING

(a) Upon selection to the Maritime Unit, all new members shall successfully complete eight hours of training in close-quarters maneuvering, open water navigation/operation, marine radio operation, and marine instrumentation use/operation. This training will

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be provided by current members who have proven proficiency in these areas and at the direction of the Unit Commander.

(b) If a member fails to successfully complete the listed tasks after remedial training, the Unit Commander shall make the appropriate notifications via the chain of command.

(c) In order to preserve the credibility and integrity of the Maritime Unit’s training program, any member who fails to successfully complete the remedial training may be removed from the Maritime Unit.

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Sniper/Observer Procedure

436.1 PURPOSE AND SCOPE

It is the mission of the Milwaukee County Sheriff's Office SWAT Sniper Unit to assist in bringing about the safe and peaceful resolution of critical incidents through stealth, tactics, and skills, by providing real-time information and protective overwatch for all on-scene personnel.

436.2 RESPONSIBILITIES

As deployed in SWAT team applications, the role of the sniper/observer will be strictly limited to two functions:

(a) The sniper/observer will use specialized training, positioning, and sight enhancement equipment to observe and report real-time intelligence to teammates and on-scene command personnel. Since the sniper/observer plays such an integral role in intelligence gathering and team protection, he/she will be deployed as a part of all tactical operations.

(b) The sniper/observer will provide protective overwatch to the team, other officers, civilians, and/or hostages by bringing precision fire against designated human targets, with the intent to immediately terminate the dangerous actions of that designated target. In this action, the sniper's decision will be regulated by state statutes relating to the use of deadly force by law enforcement officers, as well as any and all applicable agency policies (See the SWAT and Use of Force policies).

436.3 RULES OF ENGAGEMENT AS APPLIED TO THE SNIPER/OBSERVER

The sniper/observer will be authorized to use deadly force against an individual in the following circumstances:

(a) To defend him/herself, any other law enforcement officer, hostage, or other civilian personnel from the imminent threat of death or great bodily harm.

(b) As part of an organized assault by tactical team elements. In this event, the sniper/observer would use deadly force against designated targets of opportunity, as the situation or assault plan dictates. These targets would be prioritized and engaged based on the danger they pose ot other team members, hostages, or civilian personnel.

(c) To prevent the escape from a tactical situation's containment perimeter, if the sniper feels the subject would pose a greater danger of death or great bodily harm to the general public if allowed to continue his/her actions or succeed in his/her escape.

(d) Utilization of these rules of engagement is subject to meeting or exceeding the standards of use of deadly force as delineated by state law and agency policy.

436.4 REPORTING

Training records will be maintained by the Lead Sniper or the authorized designee. Lesson plans, after action reports, and digital representations of individual targets will be recorded in an incident

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report filed by the Lead Sniper. Individual shooting records, in the form of shooting data books, will be maintained by each sniper/observer.

436.5 SELECTION CRITERIA

(a) Sniper/observer candidates will be selected from the roster of SWAT team members, based on the listed criteria:

1. Current team member in good standing
2. Volunteer for the position
3. Be in good physical condition
4. Emotionally mature and stable

(b) A selected candidate will join the Sniper Unit in a probationary status. Regular status will be achieved after the candidate has graduated from a formal police sniper school and has passed the Agency's sniper qualification course.

436.6 QUALIFICATION AND PERFORMANCE STANDARDS FOR A SNIPER/OBSERVER

To achieve and maintain operational status as a sniper/observer, each Sniper Unit member will be required to meet the following standards:

(a) Each sniper/observer will attend and graduate from a formal police sniper school.

(b) Each sniper/observe will pass the Agency's sniper qualification course. The course will be designed to test the sniper/observer's skills as they apply to realistic job-related applications. This course will be administered at least twice a year. Each course will require a score of 90% or better to pass on the day of the qualification course.

(c) Failure to pass the qualification course, on the day of the qualification course, will result in removal of the sniper/observer from operational status until he/she is able to demonstrate proficiency with a passing score.

436.7 TRAINING

(a) To meet the needs of his/her position, the sniper/observer must receive instruction and practice in the following skills and disciplines:

1. Field craft skills - This includes but is not limited to stalking, movement, camouflage, range estimation, hide selection, construction, and management.
2. Tactics - This includes but is not limited to target selection, communications, site diagramming, and operation planning.
3. Marksmanship - Along with a regular, standardized qualification course, this will include practice in cold-shot accuracy, multiple targets, moving targets, partially obscured targets, intermediate barriers, various distances and shooting positions, low-light and no-light shooting, and decision making.

(b) Training will be continued on a regular basis, not less than eight hours per month.

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(c) All training planned and done by the sniper/observer shall be documented in writing.

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First Amendment Assemblies Procedure

437.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide Agency members guidance in the management of First Amendment assemblies.

437.2 CROWD DISPERSAL STRATEGIES

Crowd dispersal strategies and techniques shall be consistent with the Agency's objective to minimize harm, honor constitutional rights, communicate with the event participants, and facilitate peaceful First Amendment assemblies.

437.2.1 DECLARATION OF UNLAWFUL ASSEMBLY

If it is appropriate to declare an unlawful assembly, a dispersal order must be given. The dispersal order must be communicated in a reasonable way which ensures that the order is heard. The dispersal order should be given at least three times.

- An unlawful assembly dispersal order on the freeway:
  Attention! This is the Milwaukee County Sheriff's Office. You are participating in an unlawful assembly in violation of Wisconsin State Statute 947.06, Milwaukee County Ordinance 63.03 and Wisconsin State Statute 346.16. You are hereby ordered to cease and disperse immediately, or you will be subject to arrest.
- An unlawful assembly dispersal order on a city street:
  Attention This is the Milwaukee County Sheriff's Office. You are participating in an unlawful ssembly in violation of Wisconsin State Statute 947.06 and Milwaukee County Ordinance 63.03. You are hereby ordered to cease and disperse immediately or you will be subject to arrest.

437.2.2 DISPLAY OF LAW ENFORCEMENT FORMATION

A law enforcement formation of sufficient size to be effective may be moved as a unit to an area within the crowd's view to assist with crowd management. If a display of law enforcement officers, motorcycles, squad vehicles, and mobile field forces, combined with a dispersal order is ineffective, other techniques may be employed. The decision to use additional resources or force level should generally be under the direction of the Incident Commander or the authorized designee.

437.2.3 CONTAINMENT AND ARREST FOR VIOLENT CRIMINAL ACTIVITY

If violent criminal activity is occurring, and the crowd has failed to disperse after the required announcements, law enforcement officers may contain the crowd or a portion of the crowd for purposes of making multiple, simultaneous arrests.

Law enforcement officers should not be sent into a hostile crowd solely to communicate with them. Law enforcement officers should not penetrate a crowd for an individual arrest unless the targeted individual is involved in criminal conduct which endangers persons or property.

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The decision to move into the crowd should generally be under the direction of the Incident Commander or the authorized designee.

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Response to Bomb Calls Procedure

438.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies guidance in bomb call search operations.

438.1.1 DEFINITIONS

Definitions related to this procedure include:

Covert search - A search involving the Bomb Squad, canines, and members of law enforcement.

438.2 SEARCH COORDINATOR

The Search Coordinator is responsible for the overall control and direction of the search operation, and will act as the incident commander.

Duties and responsibilities of the search coordinator include:

- Direct first responders to the building or area under investigation.
- Implement an order of full or partial evacuation of the building or area.
- Establish a command post.
- Establish a liaison with the key building supervisor or other official.
- Record the names of all persons participating in the search.
- Designate the area of search responsibility for each search team.
- When possible, assign one knowledgeable building custodian to each search team.
- Maintain a check list of all areas cleared of any suspected explosives.
- Maintain communication with Milwaukee County OEM 911 Communications to provide CAD updates.

438.3 SEARCH PLAN

A coordinated search process must be instituted. The search coordinator should notify all persons involved in the search operation to make a covert search.

438.3.1 PRIMARY SEARCH AREAS

All areas accessible to the general public are considered primary targets to be searched. Some of the areas to be considered include but are not limited to:

- Outside perimeter (e.g., doors, windows, ledges, window wells, shipping and receiving areas, shrubs, vehicles)
- Lobbies
- Restrooms
- Hallways, corridors, closets, passageways, stairways, elevators
- Food service centers

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- Public rooms, receptions areas, courtrooms
- Trash accumulation areas
- Air ducts, HVAC areas, and systems
- Desks, chairs, and furniture for public use

Other areas considered primary search targets, but not generally available to the public may include:

- Communication facilities (e.g., telephone, radio, internet)
- Power facilities
- Gas mains or meters
- Electric control boards (e.g., circuit breakers)
- Boiler room

438.4 SEARCH TECHNIQUES AND DISCIPLINE

Search team composition, when possible, should consist of three persons per team. It is preferred that one of the members is a building custodian with knowledge of the building or area to be searched.

The following search techniques should be considered:

- Conduct the search in three levels from floor to ceiling. Define individual team member search-level responsibility (e.g., lower, middle, upper).
- Employ systematic, deliberate, and overlap searches.
- Search members shall not smoke while conducting a search,
- Search members shall not alter any electrical switches or circuits.
- When a suspicious object is found do not touch or disturb it. A designated team member shall notify the search coordinator immediately by a hard-line telephone.
- If possible, record the following information when a suspicious object is found:
  - Location and time found
  - Shape of the object
  - Description of the outside packaging, wrapping, covering, and material
  - Any writings, printing, or markings on the object
  - Emission of sound or odor from the object
- See the Response to Bomb Calls Policy for additional guidance.

If intelligence indicates there is a timed improvised explosive device contained within the building, all searches being conducted should cease at least one hour prior to the given time of the threat and the search may continue one hour after the given time of the threat.

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When leaving buildings before searches have been completed, deputies may be instructed to open all doors and windows prior to leaving the building, as time allows.

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Portable Audio/Video Recorders Procedure

439.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members guidance in the use of the portable audio/video recorders system, specifically in the use of the Axon® Body camera.

439.2 PROCEDURES

439.2.1 SECURITY

Each user will be assigned a unique sign-on and should follow related computer security policies, including the Information Technology Use Policy.

439.2.2 SYNCHING WITH MOBILE AUDIO/VIDEO RECORDER

If a member uses a squad with an Axon mobile audio/video recorder, the member should follow the on-screen prompts to synchronize the mobile and portable units.

439.2.3 STORAGE AND MAINTENANCE OF DATA

All data and recordings shall be stored and maintained in the secure, cloud-based storage provided by Evidence.com™ and in accordance with Wis. Stat. § 165.87.

439.2.4 TRANSFERRING

To transfer recorded data from a body camera unit, the member shall place the device into a designated dock at the end of his/her shift, or more frequently as needed.

If there is a problem with transferring, the member should contact his/her immediate supervisor.

439.2.5 DOWNLOADING

Only designated members may create downloadable links to video files captured by other members.

439.2.6 TAGGING

Each recording shall be individually tagged daily. To tag a recording, the member shall:

(a) Click on “evidence” in the top ribbon. Select the “all evidence” submenu.

(b) In the search field for user or group, type the user’s last name to locate all evidence associated with that username.

(c) Locate today’s recordings, and click on the title to open the evidence.

(d) Insert the ID number (e.g., MCSO 20-011155) when a CAD number was create

(e) Select the appropriate category.

(f) Select "save."

To create a case, the member shall:

(a) On the top ribbon, click on CASES, then click “Create Case” on the right side of your computer screen.

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(b) Insert the CASE ID (e.g., MCSO 20-011155). Under the description, enter the following:

1. Case #
2. Offender's name
3. DA Unit (e.g., Gen Crimes, Sensitive Crimes, Homicide).

(c) Click "Select Evidence" at the bottom right-hand corner of the screen.

(d) Check the evidence items that should be attached to the case, and click "ADD TO CASE" locate on the right side on the screen. After the evidence has been added, click on the "REVIEW CASE SUMMARY" button at the bottom right-hand corner of the screen.

(e) Review the inputted case data and click the "Create Case" button at the bottom right-hand corner of the screen.

(f) If it shows "Evidence (0)" even though evidence is attached to the case, click "Evidence (0)" and the attached evidence will be visible.

(g) Do not "share" the case with the District Attorney's Office. A court liaison deputy shall share the case with the DA when the case is ready to be reviewed.

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Arrest Procedure

440.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies guidelines in the arrest of suspects.

440.2 PROCEDURES

440.2.1 PRISONERS - RESTRAINT AND TRANSPORTATION

Any prisoner should be handcuffed behind his/her back with the handcuffs double-locked. A prisoner shall be seated in the back seat of a squad and should be on the opposite side of the driver.

If a prisoner is the opposite sex as the transporting deputy, the deputy shall advise OEM when he/she begins the conveyance along with the squad's starting odometer mileage. When the conveyance is complete, the deputy will notify OEM and provide the ending mileage.

Refer to Handcuffing and Restraints Policy for additional guidance when restraining pregnant women.

440.2.2 SEARCH OF PRISONERS

All prisoners shall be searched for weapons or contraband. Refer to the Custodial Searches Policy for additional guidance.

It is the arresting deputy's responsibility to conduct the search. If exigent circumstances prevent the arresting deputy from conducting a search, he/she is responsible for having the prisoner searched before any prisoner is removed from the scene.

When accepting a prisoner from another law enforcement officer (e.g., placed in a deputy's car for transportation), the accepting deputy shall search the prisoner.

440.2.3 ARREST ON WARRANT

Unless the totality of the circumstances dictates otherwise, A deputy should arrest a person with a warrant. If practicable consult with a supervisor before any discretionary decision is made.

If a person is suspected of having a warrant for his/her arrest, whenever practicable, a single deputy should request an additional deputy on scene before handcuffing the person. If the information available to the deputy on the street is not sufficient to establish positive identification on an ordinance or traffic warrant, the deputy should not make an arrest with the intent of transporting for further investigation. This does not preclude further detention or investigation for a person who is obstructing. Warrant confirmation shall be conducted through OEM.

Wanted persons shall be taken into custody and transported to the Milwaukee County Jail or to the municipality holding the warrant if more expedient.

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440.2.4 WANTED PERSON FOR OTHER JURISDICTION

Unless the totality of the circumstances dictates otherwise, A deputy should arrest a person with a warrant from another jurisdiction after verification. If practicable consult with a supervisor before any discretionary decision is made.

The arrested person may be conveyed to a turn-over point other than the County Jail if reasonable arrangements can be made with the appropriate jurisdiction. An arrested person shall not be turned over in a parking lot or other public area.

440.2.5 ARREST WITH MINOR CHILDREN PRESENT

When a person is arrested and minor children are left without proper adult supervision, the deputy shall provide for their care until turned over to another responsible party.

Child Protective Services must be contacted and approve placement of a minor child when the child is not to be placed with a parent or legal guardian. Only Child Protective Services may authorize placement of a child with someone other than a parent or legal guardian.

The deputy should ask the parent or guardian where a child can be taken.

A deputy's report shall include whom any child was left with, where, and at what time. The deputy shall also include the name of any Child Protective Services employee who authorized the placement.

440.2.6 ARRESTS - HOLDS ON PRISONERS

A deputy shall notify the County Jail of any holds known to him/her at the time of a prisoner's arrest and document any hold on the Arrest Detention Report. The Jail shall notify the appropriate agency when the prisoner is available for pick-up.

440.2.7 BOOKING FORMS

An arresting deputy shall supply the Pre-Book deputy with all the appropriate forms for any person taken into custody. A deputy taking an arrested person to the County Jail shall complete and submit the following forms:

- Arrest Detention Report (ADR) with subject information, arrest information, narrative (if appropriate), court date, bail, fine amount, the deputy's signature, and a supervisor's signature.
- A CR 215 form for probable cause determinations. The form shall be signed by the deputy in front of a notary.
- Hit sheet/confirmation from dispatch.

440.2.8 MEDICAL NOTIFICATION

Deputies shall notify any transporting officer of any injury, apparent illness, or other condition indicating that the arrestee requires special care. Notification shall be made to the CJF booking supervisor, pre-book officer, and intake nurse upon turn over at the CJF.

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Noise Flash Diversion Device Procedure

441.1 PURPOSE AND SCOPE

The procedure provides SWAT technicians guidance in the storage, deployment, and use of noise flash Diversion devices (NFDDs).

441.2 STORAGE

NFDDs should be stored in metal storage boxes, or “bang boxes” in case of accidental discharge. These storage boxes should be available in any SWAT vehicle that would carry and store NFDDs long term.

NFDD storage inside buildings should be in a locked, temperature-controlled storage area.

441.3 GENERAL CONSIDERATIONS

NFDDs may be considered whenever the use of a diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury. Circumstances justifying the use of NFDDs shall include but are not limited to:

- Barricaded subject and/or hostage situation
- High-risk warrant service
- Circumstances wherein the diversion of a person in crisis threatening violence or a person under the influence of alcohol/drugs is believed necessary to facilitate apprehension.
- Situations wherein the officer-in-charge deems their use necessary to safely resolve the incident.

All NFDDs are serial numbered from the manufacturer, and are an ATF-controlled item. All NFDD serial numbers shall be recorded in an inventory. Deployed NFDDs shall be recorded as “deployed,” and those serial numbers shall be submitted to the ATF so that the National Firearms Registration and Transfer Record (NFRTR) can be updated to show their expenditure.

441.3.1 SAFETY EQUIPMENT

Any technician that handles a NFDD shall wear eye protection and appropriate gloves.

A fire extinguisher shall be available for any planned NFDD use.

441.4 DEPLOYMENT

Prior to deployment of a NFDD, a technician should make a visual assessment of the area of the intended deployment.That assessment should take into consideration the possibility of flammable items in the room, the presence of children or elderly adults, or any other hazard.

441.4.1 NO BANG

If a NFDD pin has been pulled and the technician observes a hazard that prevents deployment, he/she shall call “no bang.” The technician shall wait until the team is clear, or should move him/

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herself to a safe area, before deploying the NFDD. The technician shall announce that the NFDD is going to be deployed. At no time should a technician attempt to replace the pin into a NFDD.

441.4.2 FAILURE TO DETONATE

If a NFDD is deployed and does not detonate, the deploying technician shall notify the Team Leader and or the officer in charge of the scene. The deploying technician shall make sure that no one approaches the NFDD. Once the scene has been deemed safe, the NFDD should be rendered safe. At no time should a technician pick up a NFDD that has failed to detonate. The use of a shovel or other tool can be used to move the NFDD if the spoon is blocked. A NFDD that has not detonated should be placed in a bucket of water for 24 hours to render it safe.

441.5 TRAINING

Only personnel who have successfully completed an agency-approved training course certifying the technician in the proper use and deployment of NFDDs shall be authorized to deploy these devices during actual operations. In order to remain authorized to deploy these devices, technicians shall successfully complete an annual user-level recertification course. Due to the specialized nature of these devices and the training required in properly deploying them, their use shall be restricted to authorized SWAT Team personnel only.

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Explosive Breaching Procedure

442.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide SWAT and Bomb Squad technicians guidance in constructing and deploying explosive breaching devices which use the minimal amount of explosive materials necessary to efficiently and successfully gain entry into an intended structure.

442.1.1 DEFINITIONS

Assistant breacher - A member of the entry team who works under the direction and supervision of the primary breacher. The assistant breacher will place charges as directed by the primary breacher.

Explosive breaching - The use of an explosive device, constructed of both explosive and non-explosive materials, to successfully gain entry into an intended structure.

Failed breach - A term describing the result of an explosive breach that did not achieve its intended objective.

Initiator - A mechanical, chemical, or electrical device used to initiate an explosive charge.

Minimum safe distance (MSD) - A predetermined distance from a specific charge intended to place officers and other personnel away from hazardous exposure to dangerous levels of overpressure. This distance is calculated using a mathematical formula which takes into consideration both the quantity and type of explosives.

Misfire - A term used to describe a failure in the initiation of an explosive breaching charge.

Overpressure - Any pressure generated as a result of an explosive detonation which results in an atmospheric pressure greater than that which exists in the immediate area. Overpressure is commonly expressed in pounds per square inch (PSI).

Positive breach - The initiation of an explosive breaching charge resulting in a predictable and desirable compromise of its intended structure.

Primary breacher - A certified bomb technician who is also trained in the construction, placement, and initiation of explosive breaching devices.

Priming - A term used to describe the process of connecting shock tube to an initiator, and connecting its blasting caps to the charge thereby making it ready for initiation.

Reflective overpressure - Overpressure that is reflected or “bounced” off of a solid surface. This type of overpressure cannot be accurately calculated.

Residual interior overpressure - Overpressure existing inside a confined area resulting immediately upon explosive detonation. It is determined by the type and amount of explosives as they relate to the volume of space in which the detonation occurred. Residual interior overpressure is commonly expressed in PSI.

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442.2 GENERAL CONSIDERATIONS

Breaching devices shall be designed and deployed in a manner that minimizes the potential hazards associated with overpressure and fragmentation to the public, other law enforcement officers, suspects, and property.

The use of explosive breaching devices shall be at the discretion of the SWAT Team Commander or the authorized designee.

442.3 SAFETY PROCEDURES

442.3.1 MEDICAL PROVISIONS

When feasible, emergency medical equipment and personnel should be present during missions and training where explosive breaching techniques are performed.

442.3.2 CHARGE CONSTRUCTION

The following considerations and precautions should be exercised by all breachers while constructing an explosive breaching charge:

(a) Construction area

1. No primary high explosive will be present in the immediate construction area.
2. Initiators of any kind should not be present in the immediate vicinity unless constructing a rapid deployed charge (RDC).

(b) Charge configuration and construction

1. Every attempt should be made to use the minimum amount of explosive necessary to achieve a positive breach.
2. When applicable, every attempt should be made to use materials in the construction of the charge which are less likely to produce hazardous fragmentation.

(c) Fully constructed charges

1. All fully constructed charges which are prepared for storage will have the following on a clearly legible label:
   (a) Common descriptive name of the charge
   (b) Net explosive weight (NEW) expressed in grains (without the priming system)
   (c) Pounds of TNT not including the priming system
   (d) Pounds of TNT including the priming system
   (e) MSD
   (f) Date of construction
   (g) Name of breacher who constructed the charge
2. Adhesives should be pre-placed on the charge.

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3. Charges should have hanging or placement devices when applicable

442.3.3 PRIMING PROCEDURES

1. Initiator
    1. Center punch initiator
        (a) Remove the center punch from the initiator well.
        (b) Secure the center punch.
        (c) Place tape over the well opening to prevent foreign objects from accidentally entering the well.
        (d) Place a shotgun primer inside the brass head.
        (e) Firmly secure the brass head onto the initiator body.
    2. Connecting the shock tube into the initiator
        (a) Order of priming
            1. Remove the shock tube from the priming satchel and extend the exposed tube to be cut.
            2. Cut the shock tube at least six inches away from the crimped end.A second cut should be done six inches away from the previous cut.
            3. Shock tube should be cut on the straight part of the tube away from the bent areas.
            4. Connect and secure cut end to the initiator.
            5. When feasible, create a tension relief to ensure that the shock tube does not pull free from the initiator.
            6. From this point on, positive control of the initiator must be maintained.
            7. Remove the blasting caps from their protective sleeve.
            8. Attach the blasting caps to the charge.
            9. When feasible, create a tension relief to ensure that the blasting caps do not pull free from the charge.

442.3.4 CHARGE AND INITIATOR RENDER SAFE PROCEDURES

Render safe procedures are to be followed each time the shock tube is connected into a loaded initiator.

(a) Initiator
    1. Center punch initiator
        (a) Remove the shock tube from the brass head.
        (b) Separate the initiator body from the shocktube.

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(c) Remove the center punch from the initiator and secure it.

(b) Charge attached to a structure

1. Remove the charge from the structure.

(a) The following procedure will be executed under normal, non-emergency situations, and when mitigating circumstances do not exist.

1. The assistant breacher shall be escorted by a cover officer, and shall approach the structure.

2. The assistant breacher shall remove the charge from the structure.

3. The charge will be brought back to a safe location where the blasting caps can be removed.

4. Remove the blasting caps from the charge.

(b) The following procedure will be executed under emergency situations, and when mitigating circumstances exist which require secondary breaching methods to be deployed immediately on the same structure the charge is deployed on.

1. Any breacher shall approach the structure.

2. The breacher shall cut the pigtail above the blasting caps. He/she shall be sure not to cut on top of the blasting caps or apply unnecessary pressure on the blasting caps with the cutters.

3. The breacher shall remove the pigtail and blasting caps from the main charge.

4. The breacher shall secure the pigtail and blasting caps at a safe location.

5. Once operationally feasible, the breacher shall remove the blasting caps from the pigtail.

6. When conditions allow, the breacher shall return to the main charge and remove it from the structure.

(c) Considerations for removal of an explosive breaching charge from the structure.

1. All attempts should be made to remove an explosive breaching charge away from the immediate vicinity of any ballistic breaching deployments, gunfire, and/ or manual breaching methods which are likely to cause damage to the charge.

2. The totality of the existing circumstances will dictate which render safe procedure will best complement the overall mission while taking in to consideration all safety aspects associated with the charge and related equipment.

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442.3.5 MISFIRE PROCEDURE

The following procedure will be executed upon a failed attempt to initiate an explosive breaching charge.

(a) Immediately attempt to re-fire.

1. If the attempt to re-fire fails, the primary breacher shall announce "Misfire, Misfire, Misfire" to notify the team of the failure.

(b) The primary breacher shall follow the appropriate render safe procedure.

1. Once the initiator is rendered safe, the primary breacher shall announce: " Charge Clear, Charge Clear, Charge Clear" to notify the team that it is safe to approach the charge.

(c) If the charge is still needed and the surrounding circumstances provide time, a new priming system will be attached on top of the failed one and the process of initiating the charge will commence for the second time.

(d) If a decision to remove the charge is made, the breacher shall proceed with the appropriate render safe procedure.

442.3.6 FAILED BREACH PROCEDURE

The following procedure will be followed upon a failed attempt to breach an intended structure even though the charge was detonated.

(a) The SWAT Team Leader shall verify that the structure was not breached.

(b) The SWAT Team Leader shall determine whether it will be feasible to reset charges, employ a manual breaching system, utilize a secondary entry point, surround the structure and callout any occupants, or return to a position of safety.

442.3.7 MINIMUM SAFE DISTANCE

All MSD calculations should be checked by a second breacher when possible to confirm or dispute the result.

When providing MSD to other law enforcement officers, the breacher should remind everyone that the MSD is only calculating overpressure at a certain distance. MSD does not indicate safe distance from fragmentation.

The MSD calculations are intended to be used for open air detonations.

442.3.8 INTERIOR RESIDUAL OVERPRESSURE

(a) Calculations

1. All interior residual overpressure calculations should be checked by a second breacher when possible, to confirm or dispute the result.

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2. The final overpressure result should always be rounded up to the highest number.

(b) Practical applications

1. While initiating charges inside confined areas, breachers should never allow exposure to overpressure levels greater that 2 PSI.
2. Breachers should always remember that interior residual overpressure calculations do not account for reflective overpressure.
3. The possibility for collateral damage as a result of overpressure should always be taken into consideration.
4. Breachers shall consider calculating interior residual overpressure each time the immediate area consists of four or more reflective surfaces which are likely to resemble a confined space.
5. Although MSD calculations are designed for use in outdoor environments, doubling the MSD may provide a breacher with a starting point for stack location in confined areas.

442.4 DOCUMENTATION

442.4.1 BREACHING REPORTS

Will be completed by the primary breacher for each charge initiated during training and operations.

(a) Breaching reports will be kept on file.

(b) Breaching reports will contain:

1. Descriptions of all explosive materials used in the construction of the charge.
2. Weight and/or amount of all explosive materials used in the construction of the charge.
3. Total net explosive weight (NEW) in grains for all explosives used in the construction of the charge.
4. Total pounds TNT of the constructed charge.
5. Minimum safe distance.
6. Overpressure (when applicable).
7. Description of all non-explosive materials used in the construction of the charge.
8. Description of methods of adhesion.
9. Detailed diagram of the charge.
10. Results and conclusions.
11. Pictures of the charge and target (if available).
12. Pictures of the target post-initiation depicting results and other points of interest (if available).

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442.4.2 OPERATIONAL BREACHING REPORTS
All operational breaches will require an after-action report in addition to the standard breaching report.

Maintaining accurate and detailed records of all operational breaches is a critical component in the success of an explosive breaching program. Doing so assures proper historical documentation of all missions in which explosive entry was used. Such records will list various factors which may become useful at a later time. These factors will include:

- Nature of the incident.
- Brief description of the incident and the facts surrounding it.
- Articulation as to the decision to use explosive breaching.
- Result of the breach.
- Overall conclusion of the incident.
- Any additional facts.

442.4.3 TRAINING BREACHING REPORTS
These reports serve multiple purposes and will be maintained for the following reasons:

- Provide a historical record of charge construction, tests, results, and conclusions.
- Provide historical documentation to support the method, materials, and NEW in each charge.
- Provide a training log indicating the number of charges and times each breacher has trained.
- Assist in educating new breachers to various details relating to charge construction, charge placement, target analysis, and predicted results.

442.5 DEPLOYMENT

Upon arrival at the target residence, the SWAT Team will line up in a prescribed, explosive breaching entry team formation. The first person in the entry line-up will be designated as point, followed by point cover, shield, primary explosive breacher, and assistant explosive breacher. Additional positions will be assigned at the discretion of the team leader.

The entry team will aggress on the target residence, but will stop short at a position outside of the prescribed MSD. Point and point cover will make the final approach, and check the primary entry point. If the primary entry point is secured, they will notify the Team Leader, who may, at his/her discretion, instruct the secondary breacher to place a breaching charge.

The assistant breacher will approach the residence and place the charge, as the shield and primary breacher leave the stack and move to either the left or right of the entry team (but maintain their MSD). When the charge is placed, point and point cover will return to the entry team, while the assistant breacher will move behind the shield. The entire team will take a kneeling position. Upon command from the team leader, the assistant breacher will arm the primary breacher with the

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plunger initiator. The primary breacher will begin a countdown, ending with the word "Breach." The entire team will tip their heads so that their ballistic helmet faces the primary entry point.

If the breach is successful, the entry team will aggress on the primary entry point and perform a quick assessment.

442.6 TRAINING

All primary breachers shall be currently certified bomb technicians, and trained in the safe handling and function of explosives. Primary breachers shall attend an accredited, 40-hour explosive breaching course. A certificate of successful completion shall be obtained from the training entity and kept on file by the Bomb Squad Unit Commander.

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Opioid Overdose Medication Deployment Procedure

443.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies and supervisors in guidelines governing the utilization of nasal-administered naloxone for instances in which deputies encounter persons who appear to be overdosing as a result of opioid use.

443.1.1 DEFINITIONS

Definitions related to this procedure include:

Cyanosis - A bluish discoloration of the skin resulting from poor circulation or inadequate oxygenation of the blood.

Naloxone (Narcan) - An opioid receptor antagonist and antidote for an opioid or opiate overdose produced in intramuscular, intranasal, and intravenous forms. Narcan is the brand name for naloxone.

Opioid overdose - An acute condition including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or opiate, or another substance with which an opioid or opiate was combined, or that a layperson would reasonably believe to be an opioid- or opiate-related drug overdose that requires medical assistance.

443.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that all deputies who will be administering naloxone be trained in its use as a life-saving measure, and to facilitate an emergency medical response in support of an overdose situation.

443.3 NASAL NALOXONE USE

A deputy should:

- Identify and assess the patient for his/her level of responsiveness, pulse, and status of breathing.
- If the patient does not have a pulse, the deputy should initiate cardio-pulmonary resuscitation (CPR) and utilize an automatic external defibrillator (AED) according to training. As soon as practicable, the deputy should notify dispatch via the radio.
- If breathing is adequate (i.e., greater than eight respirations per minute and no cyanosis) and there are no signs of trauma, the deputy should place the patient in a recovery position.
- If breathing is less than adequate or the patient shows signs of low oxygen (i.e., cyanosis), or if the patient is unable to be roused by painful stimuli, or if overdose is suspected (e.g., based on history, evidence on scene, bystander reports, physical

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examination), then the deputy should proceed with nasal-administered naloxone deployment.

- Retrieve the nasal-administered naloxone spray and remove it from the box.
- Review the printed quick-start guide, if necessary.
- Initiate breathing support with pocket mask, bag-valve-mask and oxygen, if available.
- If there is no response after two to three minutes, and a second dose of nasal-administered naloxone is available, the deputy should repeat the administration in the patient's other nostril.
- The deputy should continue to monitor the patient's breathing and pulse. If breathing increases and there is no evidence of trauma, the patient should be placed in a recovery position.
- If at any time the patient's pulse is lost, the deputy should initiate CPR and utilize an AED according to training.

- Keep EMS advised of the patient's status when practicable.
- Provide a full report to EMS upon arrival.
  - Continue to monitor the patient for signs of another overdose until turned over to or transported by EMS.
- Restock as necessary.

443.4 REPORTING

Any member administering naloxone shall detail its use in an RMS report utilizing a specific CFS code (i.e., CFS Code R915- MCSO Narcan Deployment).

The deploying deputy's immediate supervisor shall complete the online "Naloxone Use by Law Enforcement Officer" reporting form found on the intranet. The password to access the form is "OEM EMS."

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Timmerman Airport Alert Response Procedure

444.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies guidelines in responding to emergencies at Timmerman Airport.

444.2 GENERAL INFORMATION

The Timmerman Airport tower is staffed seven days a week, from 7am to 9pm. The contact number for the tower is 414-464-2575.

During business hours, deputies should not enter the airfield until the Timmerman Airport tower is contacted or permission to enter has been obtained.

If responding to an emergency outside of business hours, agencies should confirm that the airport is closed, and it is safe for responding agencies to go out onto the airfield. This can be done by contacting Milwaukee Mitchell International Airport Control Center:

- Via radio on the airport frequency to “MCSO Airport Checkpoint”
- By phone at 414-747-5325

Outside of business hours, access to Timmerman Airport can be obtained through the main gate on 92nd Street on the east side of the airport. The code for the keypad is 2329#.

444.3 TYPES OF ALERTS

- Alert 1: An aircraft inbound with minor difficultly
- Alert 2: An aircraft inbound with major difficulty
- Alert 3: An aircraft incident involving a crash
- Alert 4: All other incidents (e.g., medical, fuel spills)

444.4 QUICK REFERENCE GUIDE

444.4.1 ALERT 1

For Alert 1 there should be a notification only, and no response is required.

444.4.2 ALERT 2

For Alert 2, a squad should stand by on the apron closet to the runway (D52). The deputy should provide escort assistance upon Airport Operations request. If necessary, Milwaukee County OEM 911 Communications should contact the Milwaukee Police Department for perimeter security or traffic control. Deputies should follow Alert 3 procedures if an aircraft crashes.

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444.4.3 ALERT 3

For Alert 3, deputies should establish site perimeter security to ensure site integrity for investigation. If necessary, Milwaukee County OEM 911 Communications should contact the Milwaukee Police Department for perimeter security or traffic control.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This agency provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Milwaukee County Sheriff's Office. Information provided by various sources is a valuable resource for traffic crash occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All deputies shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator's socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are inappropriate factors to consider when making violation enforcement decisions. This agency does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

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500.3.1 WARNINGS
Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.3.2 TRAFFIC CITATIONS
Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies shall provide the following information at a minimum (Wis. Stat. § 345.27):

(a) Explanation of the violation or charge (Wis. Stat. § 345.27):
    1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
    2. That demerit points may be assessed against the person's driving record for the offense
    3. The number of demerit points that is cause for revocation or suspension
(b) Court appearance procedure, including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION
A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

500.4 HIGH-VISIBILITY VESTS
The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of agency members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE
Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest

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as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes deputy might benefit from being readily identified as a deputy.

500.5 FLARES

Flares may be used alone or in conjunction with traffic cones.

Flares should not be thrown at any time.

Flares should be placed on the ground to avoid injury from burns after lighting and placed in such a way as to divert traffic when necessary. Extinguished flares and wires should be removed from traffic to the distress lane and will not be disposed of between median walls or in sewers when their use is completed.

500.6 ROADWAY HAZARDS

If a deputy encounters a roadway hazard (e.g., debris in roadway) and it is reasonable to remove the hazard, he/she should attempt to do so. If the hazard would be unreasonable for the deputy to remove (e.g., ice on the roadway, downed tree, exposed powerline), he/she shall notify the Office of Emergency Management Communications Center to request the appropriate resource.

500.7 CMV ENFORCEMENT

Oversize loads are generally not allowed inside certain boundaries of the Milwaukee County Freeway System. When permitted, oversize loads will have a permit from DOT, as well as a scheduled route of travel. The boundaries are:

- I-41 northbound Ryan Road
- I-43 southbound Brown Deer Road
- I-94 eastbound Highway 100
- I-41 southbound at Silver Spring Road

500.8 LANE CLOSURE

The Sheriff has the power to temporarily close any highway in the County in case of emergency and to divert traffic onto any alternate highway. Any lane or road closure for more than one hour will be reported to the State Division of Highways by the Office of Emergency Management Communications Center.

500.9 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant is responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws. Traffic procedures shall include, but are not limited to, the following:

- Interaction with specific categories of violators

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  - Juveniles
  - Legislators
  - Foreign Diplomats and Consular Representatives (see policy by the same name)
  - Active military members
- Required information provided to violators
- General enforcement procedures including, but not limited to, violations relating to the following:
  - Operating a vehicle under the influence of alcohol or drugs
  - Operating a vehicle on a suspended or revoked license
  - Speed
  - Hazardous operations
  - Off-road vehicle
  - Equipment
  - Public carrier or commercial vehicle
  - Non-hazardous
  - Multiple
  - Newly enacted laws and/or regulations
  - Violations resulting in traffic crashes
  - Pedestrian and bicycle
- Roadside safety checks
- Stopping and approaching vehicles
- Deputy-violator relations
- Radar and other speed-measuring devices
- License re-examination referrals
- Processing requests and providing law enforcement escort services including funerals, parades, dignitaries, and civilian and over-sized vehicles.
- Traffic direction and control under a variety of circumstances

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Traffic Crash Response and Reporting

501.1 PURPOSE AND SCOPE

The policy provides guidelines for responding to and investigating traffic crashes.

501.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to respond to traffic crashes and render or summon aid to injured victims as needed. The Agency will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request (Wis. Stat. § 346.70(4)).

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this agency and there is:

1. A life-threatening injury.
2. A fatality.
3. An Agency vehicle involved.
4. An on-duty member of this agency involved.

(b) Is within another jurisdiction and there is:

1. An Agency vehicle involved.
2. An on-duty member of this agency involved.

A supervisor shall be notified when an off-duty member of this agency is involved in a crash and an on-duty deputy responds to investigate.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

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(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding deputy shall notify the supervisor. The supervisor should request the Criminal Investigation Division. The supervisor will ensure notification is made in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury, the supervisor responsible for the incident should ensure notification of the victim’s immediate family.

In the event of a fatality, notification should be made according to the Death Notification subsection of the Death Investigation Policy.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim’s immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A crash report shall be taken when notified within 24 hours of the crash and (Wis. Stat. § 346.70):

(a) The crash originated or terminated on a traffic way, or public or private premises as outlined within Wis. Stat. § 346.66, and involved at least one motor vehicle in transport and resulted in any of the following (Wis. Stat. § 346.70):

1. Injury or fatality of a person
2. Total damage to one person's property that is reasonably believed to be $1,000 or more
3. Damage to government-owned property that is reasonably believed to be $200 or more, except to government-owned vehicles, which is $1,000 or more

Motor vehicle crashes that do not meet the above criteria are considered non-reportable and may be documented in a general information report in lieu of the WisDOT report form. The information contained in the general information report may be used to complete the WisDOT report form should it later be determined that the crash involved injuries or property damage that meet the state criteria of a reportable crash.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic crash occurs on private property unless it involves an injury or fatality, a hit-and-run violation, or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

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501.5.2 COUNTY VEHICLE INVOLVED

A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a County vehicle, the Milwaukee County Drivers Accident Report shall be completed and forwarded to the Milwaukee County Fleet Management Division. If called to the scene, the supervisor should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Agency members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

501.5.4 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS

When a member of this agency investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a through 22 USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the agency member shall do the following (Wis. Stat. § 346.70(4)(i)):

(a) As soon as practicable, contact the DOS Office of Foreign Missions (OFM) Diplomatic Security Command Center, Diplomatic Motor Vehicle Office to verify the status and immunity, if any, of the driver claiming diplomatic immunity.

(b) Within 10 days after the date of the crash, forward a copy of the crash report to the DOS OFM Diplomatic Motor Vehicle Office.

501.6 INVESTIGATION

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol supervisor or on-duty Shift Commander should request that the Wisconsin State Patrol or other outside law enforcement agency investigate and complete a traffic crash investigation

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when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Milwaukee County Sheriff's Office and involves:

(a) An on- or off-duty member of the Agency.

1. The involved member shall complete the Milwaukee County Drivers Accident Report. If the member is unable to complete the form, the supervisor shall complete it.

Agency members shall promptly notify a supervisor when any agency vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

501.7 REPORTS

Agency members shall utilize the written or automated report forms approved by WisDOT as required for the reporting of traffic crashes. All such reports shall be submitted to the Patrol supervisor for approval and filing.

501.7.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

If the modification is to add a fatality, a Wisconsin Motor Vehicle Fatal Accident Supplement Form shall be completed and a Transaction Information for the Management of Enforcement (TIME) administrative message sent to Motor Vehicle Fatality Reporting. A fatality is any injury received in a traffic crash that results in death within 30 days of the crash.

501.7.2 REPORTING RESPONSIBILITIES

The responsibilities of the Patrol supervisors include but are not limited to:

(a) Transmitting the original written or automated format WisDOT report form for all reportable accidents to WisDOT within 10 days of the date of the crash (Wis. Stat. § 346.70(4)(a)).

(b) Transmitting a copy of the WisDOT report form to the governing body where the crash occurred (Wis. Stat. § 346.70(4)(h)).

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Milwaukee County Sheriff's Office and pursuant to Wis. Stat. § 349.13.

502.2 ALTERNATIVES TO TOWING AND IMPOUNDING

Agency members may leave a vehicle at the scene of an incident if it is not needed for law enforcement purposes. The vehicle may be:

(a) Legally parked and secured at the scene, with the owner’s permission.

(b) Released to the owner.

(c) Privately towed at the owner’s expense.

(d) Released to a licensed driver with the consent of the owner.

Agency members do not have to exhaust all possible alternatives to impound and do not have to wait an unreasonable amount of time for alternatives to be carried out.

502.3 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the agency member should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.3.1 VEHICLE REPORT

Agency members requesting towing, seizure or impound of a vehicle shall complete a vehicle report form that includes written authorization for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy shall be provided to the tow truck operator.

502.3.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the deputy may have the driver select a towing company, if reasonably possible. If the crash is impeding traffic, the deputy shall notify Milwaukee County OEM 911 Communications Division of the need for a tow.

If the owner is incapacitated or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in a crash, the deputy shall request the dispatcher to call a tow. The deputy will then conduct an inventory search prior to the tow. The vehicle may then be removed by the tow and delivered to the appropriate location determined by the deputy.

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502.3.3 DRIVING A NON-COUNTY VEHICLE

Vehicles that have been towed by or at the direction of the Agency should not be driven by Sheriff's Office personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.4 TOWING SERVICES

The County of Milwaukee periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

Milwaukee County OEM 911 Communications Division will notify the appropriate tow company.

502.5 INVENTORY FOR A VEHICLE NOT HELD AS EVIDENCE

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Agency against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 PRESERVATION OF EVIDENCE

A deputy removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law. Vehicles stored as evidence should be held in a secured agency location.

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502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those agency members who play a role in the detection and investigation of operating while intoxicated (OWI).

503.2 POLICY

The Milwaukee County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Wisconsin's impaired driving laws.

503.3 INVESTIGATIONS

Deputies should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI. All deputies are expected to enforce these laws with due diligence.

The Division Commander or the authorized designee will maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any OWI investigation will be documented using these forms. Information that should be documented includes, at a minimum:

(a) A reference to the applicable field notes.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Wisconsin or another jurisdiction.

503.4 CHEMICAL TESTS

A person implies consent under Wisconsin law to a chemical test or tests, and to providing the associated chemical sample (Wis. Stat. § 343.305).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.4.1 STATUTORY NOTIFICATIONS

A deputy requesting that a person submit to a chemical test shall read to the person the mandatory statutory warning provided by Wis. Stat. § 343.305(4).

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503.4.2 BREATH SAMPLES
The Divisional Commander or the authorized designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Divisional Commander or the authorized designee.

503.4.3 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Wis. Stat. § 343.305(5)(b)). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task (Wis. Stat. § 343.305(5)(b)).

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.5 REFUSALS
When an arrestee refuses to provide a chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (Wis. Stat. § 343.305).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

503.5.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, deputies shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The Agency shall forward copies of the notice to the appropriate prosecuting attorney, as well as the Wisconsin Department of Transportation (WisDOT), in the manner prescribed by WisDOT. If the person was operating a commercial motor vehicle, he/she shall be issued a 24-hour out-of-service order (Wis. Stat. § 343.305(9)).

503.5.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The deputy can articulate that exigent circumstances exist, the person has been arrested for OWI, the deputy reasonably believes that a chemical test will reveal evidence of intoxication, and no reasonable objection to the withdrawal has been presented by the arrestee. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence

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of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

503.5.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy may request a supervisor to respond.

The responding supervisor should:

(a) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy), and attempt to persuade the individual to submit to such a sample without physical resistance.

(b) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In first-time OWI and absent a search warrant, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(c) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.5.4 DEPUTY ACCESS TO ADDITIONAL SAMPLE

If a person refuses to submit to a chemical test but has had a sample of blood, urine or other bodily substance taken for any reason, the deputy may obtain a portion of that sample sufficient for analysis or may request that a sample be available as allowed by law (Wis. Stat. § 905.04(4)(f)).

503.6 ARREST AND INVESTIGATION

503.6.1 CRASHES

Deputies investigating a person for OWI shall make all reasonable efforts to obtain a chemical sample if the person was involved in a crash that resulted in a fatality or serious physical injury (Wis. Stat. § 343.305(2)).

503.6.2 ADDITIONAL RESPONSIBILITIES

If a chemical test indicates the presence of a controlled substance or a prohibited alcohol concentration, the results shall be forwarded to WisDOT (Wis. Stat. § 343.305(7)). The person shall be informed that his/her driving privilege will be administratively suspended for six months and that the person has the right to an administrative hearing. The form to request the

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administrative review shall be provided to the person (Wis. Stat. § 343.305(8)). If the person was operating a commercial motor vehicle, an out-of-service order shall be issued ot the person.

503.6.3 PRELIMINARY BREATH TESTING
A deputy who has probable cause to believe that a person has committed OWI or where the deputy detects any presence of alcohol, a controlled substance or any other drug on a person operating a commercial motor vehicle, and the deputy has been trained and certified in the use of a PBT, may request that the person submit to a preliminary breath test (PBT). The result of the PBT may be used by the deputy in deciding whether to arrest the person and whether to require or request additional chemical testing under Wis. Stat. § 343.305(3). A person may refuse to take the PBT (Wis. Stat. § 343.303).

503.6.4 ARRESTEE RELEASE
If allowed by the rules of the court, a person arrested for OWI may be released to a responsible adult. The individual to whom the person is released is required to sign a Responsibility Agreement containing his/her name and address, and that he/she will be responsible for the person.

A person arrested for OWI who is unable to be released to a responsible adult may not be released until 12 hours have elapsed or until a chemical test administered under Wis. Stat. § 343.305 shows a blood alcohol content of less than 0.04 (Wis. Stat. § 345.24).

503.6.5 ADDITIONAL TESTING
If a person submits to a chemical test requested pursuant to the implied consent law, he/she is entitled to a reasonable opportunity, upon request, to have additional chemical testing done (Wis. Stat. § 343.305(5)).

503.6.6 QUALITY ASSURANCE
This agency shall utilize a quality assurance program conducted by quality assurance specialists or operators regarding devices that are used to conduct alcohol concentration determinations (e.g., PBT), and shall generate records of periodic maintenance of those devices pursuant to any applicable state law (Wis. Stat. § 343.305(6)).

503.7 DIVISIONAL COMMANDER RESPONSIBILITIES
The respective Divisional Commander or the authorized designee will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office and WisDOT (Wis. Stat. § 343.305(7); Wis. Stat. § 343.305(8); Wis. Stat. § 343.305(9)).

503.8 ADMINISTRATIVE HEARINGS
The respective Divisional Commander or the authorized designee will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to WisDOT.

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503.9 TRAINING

The Training Director should ensure that deputies participating in the enforcement of OWI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OWI investigations.

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Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this agency shall use the State of Wisconsin Uniform Traffic Citation for moving traffic violations and other violations pursuant to Wis. Stat. § 345.11. Deputies shall inform the person charged with a violation of a traffic regulation of the consequences of the citation on his/her driving privilege (Wis. Stat. § 345.27(1)). After issuing the citation, the deputy shall process the person in accordance with Wis. Stat. § 345.23.

Information Management Services Division shall be responsible for the issuance and accounting of all traffic citations provided to employees of this agency (Wis. Stat. § 345.11(7)(a)).

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this agency do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the divisional supervisor where the citation was issued. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward a request to the Traffic Liaisonrecommending dismissal of the traffic citation including the reason for the request. Upon receipt of a request to dismiss a citation, the Traffic Liaison will notify the appropriate court clerk or court deputy of the request. The Traffic Liaison will notify the supervisor if that supervisor must notify DOT of the dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued.

504.5 CORRECTION OF TRAFFIC CITATIONS

A citation issued with incorrect offense or statute number may be dismissed by the court and reissued but shall not be corrected.

A citation issued with incorrect offense designation (e.g. 1st, 2nd offense), court date, or forfeiture amount can be corrected prior to court date. The issuing deputy shall notify their division commander via email to seek authorization to void the citation and reissue a citation with the correct information. If the division commander is not available, the courts division commander should be emailed. The issuing deputy's email shall contain:

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- The citation recipient's name
- citation number
- reason for request to void including known error and correction

The divisional commander reviewing the request will determine if the request is approved or denied. If approved, the divisional commander shall email the traffic court liaison the approval and information above.

The traffic court liaison shall contact the Clerk of Courts Office and the State of Wisconsin Department of Transportation (WisDOT) to void the citation.

504.6 DISPOSITION OF TRAFFIC CITATIONS

The officer copies of all non-criminal traffic citations issued by members of this agency shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Traffic Desk.

504.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults.

(a) Juveniles 16 or 17 years of age shall be treated as adults when issued a Uniform Traffic Citation.

(b) Juveniles 12 to 15 years of age who commit a Section I traffic offense listed in the Wisconsin Uniform Traffic Bond Schedule may be issued a Uniform Traffic Citation. However no bond shall be listed on the traffic citation, and a court date shall be assigned. Referral to juvenile court is not necessary.

(c) Juveniles under the age of 12 who commit a Section I traffic offense, or juveniles under the age of 15 who commit a Section II traffic crime, must be referred to the appropriate juvenile intake office.

(d) When a citation is issued to a juvenile under 18 years of age this agency shall notify the parent, guardian or legal custodian of the violation within seven days (Wis. Stat. § 343.15(5); Wis. Stat. § 938.17(2)(c)).

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy or other agency member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by agency personnel will be contingent on the time of day, the location, the availability of agency resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Agency personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or changing a tire is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this agency by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Absent emergency or exigency circumstances, vehicles on the freeway system should be removed after two hours.

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Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, removal and recording of vehicles abandoned in violation of abandoned vehicle laws or ordinances or that must be removed due to an emergency.

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of state or local laws shall be marked and noted in the computer aided dispatch (CAD) system. No case number is required at this time.

If an abandoned vehicle is located, it should be tagged with the appropriate sticker in a conspicuous location and Milwaukee County 9-1-1 OEM should be notified. If the vehicle is not moved in the prescribed time limit, a tow should be contacted for removal.

506.3 ABANDONED VEHICLE TOWING REPORTING

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and an abandoned tow recovery shall be completed by the deputy authorizing the removal of the vehicle.

506.3.1 ABANDONED VEHICLE TOWING REPORTING

The abandoned tow recovery shall be entered into CAD immediately following the storage of the vehicle.

The deputy on scene shall notify the towing service of the name and last-known address of the vehicle’s registered owner.

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Traffic Crash Response and Reporting Procedure

507.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies direction in the investigation, completion, and reporting of certain types of vehicular crashes.

507.2 HAZARDOUS ROAD CONDITIONS

507.2.1 LIQUID MATERIAL SPILLS

Bags of oil dry material are located in various places throughout the freeway system. Deputies at the scene of oil and other minor spills may spread oil dry to make the road safe for normal traffic. All traffic lanes should remain closed until the spill is cleared. Deputies should:

- Call and notify Milwaukee County OEM 911 dispatch of the location and type of material spilled.
- Request oil dry be brought to the scene.
- Deputies picking up oil dry shall notify the dispatcher of the location that the bags were taken from. The dispatcher should enter this information on the highway log for bag replacement.
- If necessary, request the fire department to flush the roadway.
- If necessary, request the Highway Department crew for large spills that require numerous bags of oil dry.

507.2.2 HAZARDOUS MATERIALS

Whenever any hazardous material is spilled onto the freeway, the hazardous material shall be contained as quickly and safely as possible. Deputies should:

- Determine what the hazardous material is by checking for a placard on the vehicle by consulting the Emergency Response Guidebook.
- Call and notify Milwaukee County OEM 911 dispatch of the spill. Request a supervisor.
- As appropriate, request the Milwaukee Fire Department Hazardous Materials Unit.
- In the case of poisonous gas, notify the dispatcher for possible evacuation of surrounding area.
- Notify DNR is there is considerable spillage into a waterway (e.g., sewers, creeks, rivers).

507.3 USE OF PUSH BARS

A deputy may utilize a squad’s push bars to:

- Remove an interference to normal traffic patterns (e.g., inoperable vehicle in traffic)
- Provide for the safety of motorists

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- Avoid accident or injury

Deputies are only authorized to push a vehicle to the nearest place of immediate safety. Deputies shall not push any vehicle until it is confirmed that the driver understands the instructions given to him/her (e.g., braking, turning).

507.4 CRASH REPORTING

Traffic crashes will be completed on the Badger TraCS system. For crashes where an ambulance conveyance is made, squad crashes, any other crash where further investigation is required, or where unusual circumstances exist, at a minimum the following information should be included in the TraCS narrative:

- Driver statements made (e.g., at the scene, at the hospital, by phone)
- Witness information
- Investigation findings
- Assisting units at the scene
- Time an ambulance was called and arrived
- Ambulance unit number and where any subject was conveyed

Each operator should be given an Expressway Information sheet and a Driver Information Exchange sheet.

507.5 OEM 911 NOTIFICATION

The deputy at the scene shall inform the dispatcher of the type of crash (e.g., property damage only, personal injury) as soon as practicable.

Deputies shall not use the term “fatal” over any frequency operated by this agency. In the event of a fatal crash, deputies shall request a "supervisor with the kit."

Deputies should not broadcast any injured person’s name. This information should be called in via telephone or manually entered into records management system. Property damage information may be broadcasted.

507.6 MEASUREMENTS

Measurements will be taken for all fatal and serious personal injury crashes to establish a diagram of the crash scene, and to make a true and exact reproduction of the scene.

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Conveyance Procedure

508.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide officers guidance in the conveyance of non-agency persons.

508.2 RESPONSIBILITIES

Officers will act in accordance with Agency policy when transporting individuals. Squads which are camera equipped will activate their back-seat camera for the duration of all transports. At no time shall persons be conveyed in the front passenger seat of a squad. No persons shall be left unattended in the back of a squad for an extended period of time. When transporting a prisoner, the rear squad windows and cage (when equipped) shall remained closed.

Officers shall search all transported persons and their personal property prior to transport, unless an articulable reason exists which prevents such a search. Large bags or containers should be separated inaccessible to the transported person. In all cases, officer safety must be considered prior to transport.

508.3 PROCEDURE

Laws on seat belts and restraints will be complied with. Officers shall notify OEM Dispatch of the conveyance and its destination prior to the transport. Any officer conveying a person of the opposite sex will notify OEM of his/her starting and ending mileage. Persons may be transported for the following circumstances:

- Drivers and passengers from crash vehicles
- Drivers or passengers of disabled vehicles
- Pedestrian violators
- Passengers from an arrest tow
- Arrested persons
- Citizens in need
- Other persons as authorized

Generally, persons are conveyed to the nearest open, publicly-accessible building. Conveyances which will take the squad out-of-service for an extended period of time require supervisor approval.

508.4 CHILD RESTRAINT AND CONVEYANCE

All conveyed children will be properly restrained. Children under the age of eight must be conveyed in the appropriate child safety seat. Children over eight years of age are to be placed in the belt/harness restraint.

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Under emergency circumstances, officers utilizing squads with molded back seats or without access to a child safety seat may transport a child to a safe location. Supervisory notification of emergency child transport should be made prior to the conveyance, and an entry into the Computer Assisted Dispatch (CAD) system shall be made.

508.5 INJURED/SICK CITIZENS

Individuals who are injured or sick will be conveyed by emergency services (e.g., fire, ambulance). Officers should refrain from conveying citizens to hospitals in squads, unless ordered or approved by a supervisor, or under exigent circumstances.

508.6 HITCHHIKERS/PEDESTRIANS

Hitchhiking and pedestrian traffic is prohibited on the Milwaukee County freeway system. Officers shall take appropriate action to remove all hitchhikers or pedestrians from the freeway. All pedestrians will be ordered off of the freeway and then conveyed to the nearest point of safety. Pedestrians may be cited in violation of Wis. Stat. § 346.16(2).

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LIDAR Unit Procedure

509.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies guidance in the use and deployment of LIDAR units.

509.1.1 DEFINITIONS

Definitions related to this procedure include:

LIDAR – Is an initialism for “light detection and ranging.” LIDAR units are commonly used for speed detection and for measuring distance.

509.2 STORAGE

All LIDAR units shall be stored in their proper location when not in use. Unassigned units shall not be left in squad cars, and shall be returned at end of their use. Batteries should be removed from stored LIDAR units and placed into the battery chargers.

509.3 TESTING

To test a LIDAR unit, a deputy shall:

(a) Inspect the LIDAR unit and batteries for any external damage.

1. Any damage found shall be reported to the shift sergeant prior to deployment of the unit.

(b) Power on the unit after proper installation of batteries and observe the rear display screen. Let the unit cycle through the self-diagnostic and self-testing sequence. All tests should pass at the end.

1. If any test shows failed, the unit should not be put into service.

(c) Take the unit outside to the designated testing spot and perform the following tests.

1. Distance test: Change the mode to distance. While looking through the aiming reticle, point the unit at the two known distance markers, and perform two distance readings at 90 feet and 55 feet.
2. Tracking test: While still in distance mode, point the unit into the sky, and while holding the trigger down, move the aiming reticle past a light pole or another object. The unit should return a distance when the aiming reticle passes, or is on the object and locks onto that object.
3. Failed test: Any unit that fails any one of the tests shall not be used, and should be turned into the shift sergeant.

509.3.1 END OF DEPLOYMENT RETESTING

At the end a deployment, the deputy should retest the unit in the same manner. This assures the unit was still in proper working condition and all readings in between were correct and accurate.

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509.4 DEPLOYMENT OF LIDAR UNITS

When performing traffic enforcement using a LIDAR unit, the following should be adhered to for legal and safety reasons:

(a) When carrying the unit in the squad, place the unit in a position as to maintain a secure hold of the unit. Do not allow the unit to tumble or fly around within the squad for safety of the deputy and the unit.

(b) Squads should only be parked in areas that are designated by the Agency and deemed safe for both the deputy and traveling motorists. Squads should never be parked in areas that hinder or cause unexpected disruptions to the traveling motorists. Squads shall never park or be positioned in traffic blocking any type of travel lanes.

(c) When monitoring traffic, deputies should always stay inside their squads, unless under controlled or special deployments (e.g., saturations with a designated LIDAR unit car and designated safe location

(d) LIDAR units should be pointed at the front license plate or grill area of a vehicle. Deputies should avoid front windshields and hood areas.

(e) For proper legal and court defensible tactics, the vehicle must be within 1,000 feet of the LIDAR unit.

(f) If a citation is issued, use the displayed information on the LIDAR unit for the citation. Do not increase or decrease any of the numbers provided by the unit for any reason.

(g) If during the traffic stop the driver requests to see the LIDAR unit and if safe to do so, retrieve the unit from the squad and show the driver the display screen showing the speed and distance. The driver should remain in his/her vehicle.

(h) The LIDAR units will time out and go into sleep mode after 20 minutes of non-use. If this occurs and the locked speed and distance is needed, do not pull the trigger. Push the BRT button on the back of the unit, and this will wake the unit and display the information.

509.5 WEATHER

Generally, LIDAR units should not be used during inclement weather (e.g., rain, snow, fog).

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INVESTIGATIVE PROCEDURES

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:

1. Preserve the scene and all evidence as required to complete the initial and follow-up investigation.
2. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
3. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
4. Take any appropriate law enforcement action.
5. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CRIMINAL INVESTIGATION DIVISION COMMANDER RESPONSIBILITIES

The Criminal Investigation Division Divisional Commander or the authorized designee shall be responsible for developing, maintaining and reviewing detailed investigative procedures. Such procedures will minimally include:

(a) Case file management.

(b) Preliminary and follow-up criminal investigations.

(c) Vice, narcotics and organized crime investigative and administrative protocols.

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(d) Multi-jurisdictional investigative task force roles and responsibilities.

(e) Cold case definition, evaluation criteria and documentation.

(f) Undercover surveillance, decoy and raid operations.

(g) Funeral escorts for in-custody inmates.

(h) Photographic (conventional and digital) and other digital evidence collection.

(i) Known source evidence collection for physical evidence comparison.

(j) Forensic laboratory evidence submission.

(k) Latent fingerprint preservation.

(l) Interrogations of adults and juveniles.

(m) On-call schedule to ensure 24-hour availability of investigative personnel.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a felony shall be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Wis. Stat. § 968.073(1)(a)); Wis. Stat. § 968.073(2)).

(a) Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):

1. The person refused to respond or cooperate in the interrogation if a recording was being made. The refusal shall be recorded or documented in a written report.
2. The statement was made in response to a question asked as part of the routine processing.
3. The statement was made spontaneously and not in response to a question.
4. The deputy in good faith failed to make a recording because the recording equipment did not function, malfunctioned, stopped operating or the deputy inadvertently failed to operate the equipment properly.
5. Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.
6. The deputy conducting the interrogation believed at the commencement of the interrogation that the offense for which the person was taken into custody or for which the person was being investigated was not a felony.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Division supervisor. This does not include evidentiary items that are scheduled for destruction. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued by the Criminal Investigation Division if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and it has been determined that a citation is the most appropriate disposition.

  (a) In these cases, the investigator shall document that the person was cited and why prosecution was not sought.

  (b) Citations shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

(g) The case has been turned over to another jurisdiction for continued investigation (e.g., federal authority).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, detectives should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, detectives should take reasonable steps to prepare for such seizure and use the resources that are available.

600.6.1 PROCESSING DIGITAL EVIDENCE

The Criminal Investigation Division Divisional Commander shall ensure personnel are trained to handle digital evidence.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

Information obtained via the Internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Accessing information that requires the use of a third party’s account or online identifier requires the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

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600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Divisional Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; and Wis. Stat. § 948.095.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 INVESTIGATORS

Investigators should be available for assignment of sexual assault investigations. Investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to victim advocates.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Milwaukee County 911 Communications Division, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, an in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. The follow-up interview should be conducted by an investigator.

No opinion of whether the case is unfounded should be included in a report.

601.4.2 POLYGRAPH EXAMINATIONS

Victims shall not be asked or required to take a polygraph examination nor shall a deputy suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (34 USC § 10451; Wis. Stat. § 968.265).

601.4.3 VICTIM CONFIDENTIALITY

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Division supervisor.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating sexual assaults or handling related evidence are required to do the following (Wis. Stat. § 165.775):

(a) Upon notification by a health care professional, take possession of a sexual assault kit within 72 hours

(b) Send a sexual assault kit to a state crime laboratory within 14 days of its receipt in accordance with the rules established by the Wisconsin Department of Justice

1. If a member is notified by the victim before the kit is sent to a state crime laboratory that the victim does not want the kit analyzed, the member should send the kit to a state crime laboratory for storage.

(c) Notify a state crime laboratory of a victim's delayed report of sexual assault and request processing of the stored sexual assault kit in their possession (Wis. Admin. Code § JUS 20.04; Wis. Admin. Code § JUS 20.02)

(d) Make the required entries into the Wisconsin Sexual Assault Kit Tracking System when applicable (Wis. Stat. 165.776)

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 DNA TEST RESULTS
Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

601.7 CASE REVIEW

Each Criminal Investigations Division investigator should follow-up with a supervisor to review open cases on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions.
- Analysis of any new information.
- Submissions of biological evidence for lab testing, including timely processing.

601.8 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

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601.9 TRAINING

Subject to available resources, training should be provided to:

(a) Members who are first responders. Training should include:

  (a) Initial response to sexual assaults.

  (b) Legal issues.

  (c) Victim advocacy.

  (d) Victim’s response to trauma.

(b) Investigators, who should receive advanced training on additional topics. Advanced training should include:

  1. Interviewing sexual assault victims.

  2. SART.

  3. Medical and legal aspects of sexual assault investigations.

  4. Serial crimes investigations.

  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

(c) Techniques for communicating with victims to minimize trauma.

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Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Milwaukee County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Milwaukee County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Milwaukee County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this agency that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this agency should not guarantee absolute safety or confidentiality to an informant.

602.3.2 ADDITIONAL REQUIREMENTS

In addition to complying with the requirements in this policy, a deputy not currently assigned to the Criminal Investigation Division requesting to use an informant should do the following:

(a) Receive approval from the appropriate Divisional Commander for the use of the informant.

(b) Be trained in the use of informants.

602.3.3 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

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(c) The court in which the juvenile's case is being handled, if applicable

(d) The Sheriff or the authorized designee

602.3.4 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated agency informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Divisional Commander, Criminal Investigation Division supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Milwaukee County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between agency members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigation Division supervisor.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Criminal Investigation Division supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when agency funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

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(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Agency and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this agency to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of agency members or the reliability of the informant.

Informant files shall be maintained in a secure area within the appropriate division. The Divisional supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Divisional Commander, Criminal Investigation Division supervisor or their authorized designees.

The appropriate Divisional Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the supervisor overseeing informant files is replaced, the files will be audited before the new supervisor

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takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

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The Criminal Investigation Division supervisor will discuss the above factors with the appropriate Divisional Commander and recommend the type and level of payment subject to approval by the Sheriff.

602.6.1 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

602.6.2 AUDIT OF PAYMENTS

The Criminal Investigation Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this agency employ eyewitness identification techniques (Wis. Stat. § 175.50).

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

This agency will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Divsion supervisor shall be responsible for the maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time, and/or location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (Wis. Stat. § 175.50). Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person is viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

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Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously (Wis. Stat. § 175.50). The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (Wis. Stat. § 175.50).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

603.7 POLICY REVIEW

At a minimum, the Agency will biennially review the Eyewitness Identification Policy. In developing and revising this policy, the Agency will consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

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Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Milwaukee County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Milwaukee County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Milwaukee County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Agency case file.

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604.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this agency is known to have *Brady* information in his/her personnel file and/or Professional Standards Division file, the Professional Standards Division shall notify the prosecutor's office.

The obligation to provide Brady information is ongoing. If any new Brady information is identified, the prosecuting attorney should be notified.Examples of Brady information include:

- Findings of misconduct involving untruthfulness
- Findings of misconduct indicating bias or prejudice to a class or group of persons or to a specific person
- Conviction of a crime
- Patterns of improper use of force
- Existence of a credible allegation of the above type of misconduct that is the subject of an on-going investigation
- Sustained findings of a violation of a defendant’s constitutional right
- Any Wisconsin administrative hearing finding of fact regarding any of the matters listed above

604.5 INVESTIGATING BRADY ISSUES

If the Agency receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.6 TRAINING

Agency personnel should receive periodic training on the requirements of this policy.

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Unmanned Aerial System (UAS) Operations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

FAA (Federal Aviation Administration) – The government agency empowered by Congress to regulate the National Airspace System.

Unmanned aerial system (UAS) – A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) – An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

605.2 POLICY

Unmanned aerial systems may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55; Wis. Stat. § 942.10). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

605.4 UAS UNIT COMMANDER

The Sheriff will appoint a UAS Unit Commander who will be responsible for the management of the UAS program. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and agency-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS. UAS Unit members are required to take and pass the FAA Part 107 test prior to deployment of a UAS.
- Ensure that all UAS pilots obtain and maintain all certifications through the FAA.
- Review all UAS pilot flight hours recorded on flight logs.
- Review all reports generated from the use of a UAS.

605.5 UAS UNIT SUPERVISOR

The UAS Unit Supervisor's responsibilities include but are not limited to:

- Day-to-day supervision of UAS Unit-related functions.
- Scheduling of training.
- Inspection of flight logs.
- Maintaining training records.
- Providing operational reports to the UAS Unit Commander.
- Developing uniform Agency protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require verbal authorization of the UAS Unit Commander or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in accordance with current records retention protocols.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or the authorized designee.

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605.6 UNIT ASSIGNMENT

The selection and assignment of deputies to the UAS Unit will be made by the Sheriff or the authorized designee.

605.7 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required agency and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55(2)):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

A UAS may be used for law enforcement purposes in the following circumstances but not where an individual has a reasonable expectation of privacy without first obtaining a warrant:

- Natural disaster assessment
- Crowd monitoring operations
- To assist in criminal investigations
- Community relations activities as approved by the Sheriff or the authorized designee
- Training exercises
- Any other events (e.g., mutual aid) deemed appropriate by the Sheriff or the authorized designee

605.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.

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- To conduct personal business of any type.

605.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

605.10 TRAINING

All agency members authorized to operate or access the UAS shall receive appropriate training.

Proficiency training is required every six months.

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Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this agency. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

606.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to balance the safety needs of the public, the safety of agency members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 SUPERVISOR RESPONSIBILITIES

The involved supervisor shall review all risk assessments to determine the risk level of the warrant service.

The involved supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also submit the warrant affidavit to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an arrest warrant may pose a higher risk than commonly faced on a daily basis, a risk assessment should be reviewed with the appropriate supervisor to determine the classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the appropriate supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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606.6 WARRANT PREPARATION

Any member who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for a warrant based on testimony (Wis. Stat. § 968.12), nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The appropriate supervisor shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

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(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service (Wis. Stat. § 968.16), including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the court clerk identified on the warrant as soon as reasonably possible but no later than 48 hours after execution of the warrant, excluding holidays and weekends (Wis. Stat. § 968.17).

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The appropriate supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following (see the Outside Agency Assistance Policy):

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement

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- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the SWAT Commander or the authorized designee. The SWAT Commander or the authorized designee should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The SWAT Commander or the authorized designee should ensure that members of the Milwaukee County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Milwaukee County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the SWAT Commander or the authorized designee is unavailable, the Assistant SWAT Commander should assume this role.

If deputies intend to serve a warrant outside Milwaukee County Sheriff's Office jurisdiction, the SWAT Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Milwaukee County Sheriff's Office when assisting outside agencies or serving a warrant outside Milwaukee County Sheriff's Office jurisdiction.

606.11 REPORTING REQUIREMENTS

A report shall be completed for each search warrant requested, noting whether it is issued or denied by the court. If the search warrant is issued for a physical premises, the report shall contain whether the search warrant and execution of the search warrant were a knock or no-knock warrant. (Wis. Stat. § 165.25 (20))

606.12 TRAINING

The Training Director should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 SWAT COMMANDER

The Sheriff will designate a member of this agency to be the SWAT Commander.

The SWAT Commander or the authorized designee will develop and maintain an operations plan form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The SWAT Commander or the authorized designee will review risk assessment forms and the executive brief sheet with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The SWAT Commander or the authorized designee will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 OPERATIONS PLAN

607.4.1 OPERATIONS PLAN FORM PREPARATION

Deputies assigned as SWAT Team Leader or Assistant Team Leader for any operation that may qualify as a high-risk operation shall complete an operations plan form.

When preparing the form, the Team Leader or Assistant Team Leader should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records,

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commercial databases and property records. Where appropriate, the Team Leader or Assistant Team Leader should also submit information to these resources.

The Team Leader or Assistant Team Leader should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 OPERATIONS PLAN REVIEW

The Team Leader or Assistant Team Leader will present the operations plan form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to the SWAT Team Commander.

If there is a change in circumstances that elevates or decreases the risks associated with the operation, the member who became aware of the new information should advise the SWAT Team Commander or the authorized designee.

607.4.3 HIGH-RISK OPERATIONS

If the SWAT Team Commander or the authorized designee, after consultation with the involved supervisor, determines that the operation is high risk, the SWAT Team Commander or the authorized designee should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Special Weapons and Tactics (SWAT)
2. Additional personnel

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3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Criminal Investigations or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate agency members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the involved jurisdiction shall be contacted to resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The SWAT Team Commander or the authorized designee should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

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1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
5. Vehicles associated with the location or subject of investigation.

(c) Information from the operations plan form regarding risk assessment.

(d) Participants and their roles.

1. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan. Use of force options and limitations, knock and announce rules and items to be seized should be identified at the briefing.

(c) The SWAT Team Commander or the authorized designee shall ensure that all participants are visually identifiable as law enforcement officers.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the Team Leader to ensure that Milwaukee County 911 Communications Division is notified of the time and location of the operation.

2. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy. If a search warrant is being served, refer to the Warrant Service Policy for specific prohibitions.

607.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

607.10 TRAINING

The SWAT Commander or the authorized designee should ensure that SWAT Team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

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Death Investigation

608.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to Wis. Stat. Chapter 979.

608.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

608.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

(a) All deaths in which there are unexplained, unusual or suspicious circumstances

(b) All homicides

(c) All suicides

(d) All deaths following an abortion

(e) All deaths due to poisoning, whether homicidal, suicidal or accidental

(f) All deaths following accidents, whether the injury is or is not the primary cause of death

(g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death

(h) When a physician refuses to sign a death certificate

(i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate

(j) Unidentifiable bodies

608.2.2 SEARCHING DEAD BODIES

The Medical Examiner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy shall first obtain verbal consent from the Medical Examiner when practicable.

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A deputy is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat.§ 157.06(12)). If a donor document is located, the Medical Examiner shall be promptly notified. If a donor record of gift or gift refusal is located, and the individual is transported to a hospital, the person responsible for conducting the search shall send the donor record of gift or gift refusal to the hospital.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

608.2.3 DEATH NOTIFICATION

When reasonably practicable notification to the next-of-kin of the deceased person shall be made, in person, by the detective assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. The Medical Examiner should be advised if notification has been made. Assigned detectives may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this agency shall attempt to locate family members and inform them of the death and location of the deceased missing person’s remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

608.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue an incident number for the report.

608.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

608.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the deputy shall take steps to protect the scene. The Criminal Investigation Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

608.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim’s employment should ensure that the nearest office of the Wisconsin Department of Health Services (WDHS) is notified with all pertinent information.

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Unmanned Aerial System (UAS) Procedure

609.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide unmanned aerial system (UAS) pilots guidance in UAS deployment and maintenance, and protocols for pilot selection and training.

609.2 PILOT SELECTION

UAS pilots will be selected through an application and interview process. Previous UAS experience is not required. Upon selection by the Sheriff or the authorized designee, the pilot will obtain his/her FAA Part 107 license along with any applicable certifications and waivers to include but not limited to nighttime piloting, piloting over crowds, and piloting from a moving vehicle.

609.3 CALL-UP PROCEDURE

Only licensed members of the unit are authorized for UAS deployments. The Unit Commander or the authorized designee shall be notified of the need for deployment by the on-duty supervisor. Should there not be an authorized pilot on duty, the Unit Commander will utilize a call-out procedure to have a pilot contact the on-duty supervisor requesting the use of the UAS. The on-duty supervisor will coordinate getting the required equipment to the scene to ensure the quickest response from the pilot.

609.4 DEPLOYMENT

609.4.1 REQUIRED EQUIPMENT FOR A DEPLOYMENT

The following equipment should be made available for any deployment:

- DJI Mavic Dual
- DJI Mavic Zoom
- Battery charger
- Landing pad
- Prop guards

The equipment will be stored at the Patrol Substation.

609.4.2 DEPLOYMENT PROCEDURE

When deploying the UAS, the pilot will perform a pre-flight check to include a weather check, any flight restrictions in the deployment area, and an equipment check.

Once the UAS is in the air the pilot-in-command (PIC) will notify dispatch via radio that the UAS has been deployed. The PIC will also notify dispatch when the UAS has landed and the reason (e.g., battery change, mission complete, crash).

The PIC will have a visual observer with him/her during the deployment. The visual observer does not need to be a licensed pilot.

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During a nighttime deployment a flashing strobe is required to be attached to the UAS.

The Axon app will be utilized when deploying the UAS. The deployment will be recorded, and the recording will be uploaded into evidence.com as would a portable or mobile video recording.

609.4.3 DOWNED UAS RESPONSE PLAN
DOWNED UAS RESPONSE PLAN

- Verify that the downed UAS will not cause collateral damage through fire of leaking battery fluids.
- Send a power down command to the UAS.
- Secure the mission site and secure all non-essential equipment required for the recovery effort.
- If the UAS is on private land, contact the landowner prior to recovery.
- If the UAS can be accessed safely, properly recover the UAS.
- Check the UAS for damage, and document the crash and any damage according to the applicable policy.
- Notify the Unit Commander or the authorized designee.

609.5 REPORTING

An RMS report shall be completed as part of a UAS deployment. The Drone Flight Incident Report template shall be used. The report will include:

- The date and time of deployment.
- Which UAS was deployed.
- The type of response.
- The incident address.
- The PIC and observer will be noted along with acknowledgement of the completion of the pre-flight and pre-incident checklist.
- The equipment used, number of flights, total flight time, mission report, and any issues or damages should be noted in the report.

609.6 TRAINING

The UAS Unit will train a minimum of eight hours per month. Pilots must take and pass the FAA Part 107 test every two years. A log of the pilots' test scores and expiration dates shall be maintained by the Unit Commander. It is the responsibility of each pilot to maintain his/her license.

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NIBIN and E-trace Testing Procedure

610.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide Milwaukee County Sheriff Deputies guidance in the submission of firearms and cartridge casings for the National Integrated Ballistic Information Network (NIBIN) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Electronic Tracing (eTrace) System testing.

The National Integrated Ballistic Information Network (NIBIN) is a specialized computer network containing digital images of ballistic evidence. The eTrace System tracks the purchase and/or use history of firearms through the ATF.

610.2 GUIDELINES FOR SUBMISSION TO NIBIN

610.2.1 TESTING CRITERIA

Firearms and / or casings will be submitted to the Milwaukee Police Department (MPD) Fusion Division for testing. MPD Fusion Division will process firearms and casings within two months of recovery. They will process for the following crimes.

- Homicide
- Reckless Endangering Safety (RES)
- Sexual Assaults
- Robbery
- Endangering Safety By Use Of a Dangerous Weapon (ESBUODW)
- Domestic Violence Related cases in which the firearm is an object of the crime
- Felon in Possession of a Firearm
- Carrying Concealed Weapon
- Stolen Firearms

610.2.2 PROCEDURE FOR NIBIN TESTING

- The lead deputy in each case is responsible for submitting all firearms for testing..
- All firearms and cartridge casings must be properly labeled and packaged.
- All evidence that is to be submitted for NIBIN testing must be brought to the Criminal Investigations Division (Safety Building, Rm. 209) and turned over to a supervisor or the designated NIBIN liaison This should be done Monday through Friday during normal business hours.

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- Deputies must bring a copy of reports related to each submission and a completed Request for NIBIN Submission form. See CID for the most current version of the required form.
- Evidence to be submitted for NIBIN must be turned over to CID in a timely manner.
- CID will be responsible for transporting evidence to MPD Fusion Division and completing the NIBIN process.
- After NIBIN testing is completed, all evidence will be secured in the MCSO Property Room.
- The lead deputy in each case is responsible for all follow up necessary related to their firearm/casings. The CID's involvement will be limited to ensuring that NIBIN is completed on all submitted evidence and the storage of that evidence.

610.2.3 PROHIBITIONS

Fusion will not process for:

- Suicide
- Self-inflicted gunshot wounds
- OWI-Related ESBUODW
- Abandoned or surrendered firearms
- Cases in which a firearm is not the object of the crime
- No revolvers, derringers, or break-action long guns.

This above list is not all-encompassing, and exceptions can be made in special circumstances.

610.3 GUIDELINES FOR SUBMISSION TO E-TRACE

610.3.1 SUBMISSION CRITERIA

All firearms taken as evidence need to be traced through the ATF eTrace system.

610.3.2 PROCEDURE FOR E-TRACE

- The lead deputy in each case is responsible for submitting all evidentiary firearms for an eTrace.
- Deputies must complete the MCSO Firearms Trace Form and send it to the designated MCSO ATF Task Force Officer.
- The MCSO Firearms Trace Form must be completed in its entirety to include but not limited to the Make, Model, Serial Number, Location, Possessor, and Associates fields.

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Chapter 7 - Equipment

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Agency-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Agency employees are expected to properly care for agency property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or agency property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Agency, all issued equipment shall be returned and documentation of the return signed by the Training Academy. Any equipment issued by the employee's designated division shall be returned to the appropriate supervisor of that division when he/she leaves that division.

700.2.1 CARE OF AGENCY PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of agency property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any agency-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall promptly forward any relevant information to the appropriate Commander. The Commander will determine the most appropriate way to resolve the situation.

(b) The use of damaged or unserviceable agency property should be discontinued as soon as practicable and, if appropriate and approved, replaced with comparable agency property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed or required by exigent circumstances, agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without approval from the appropriate Divisional Commander.

(e) In the event that any agency property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Sheriff or appropriate Divisional Commander, unless otherwise authorized by another policy or procedure (e.g., Personal Communication Devices). The employee should

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submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS
Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Divisional Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the Divisional Commander and a finding that no misconduct or negligence was involved, repair or replacement may then forward the claim to the appropriate department.

The Agency will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

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700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County of Milwaukee, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Divisional Commander.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Agency or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Milwaukee County Sheriff's Office allows members to utilize agency-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Agency, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Agency and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 AGENCY-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Agency may, at its discretion, issue a PCD for the member's use to facilitate on-duty performance. Agency-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Agency accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any agency business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Agency, without the express authorization of the Sheriff or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Agency to access the PCD to inspect and copy data to meet the needs of the Agency, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Agency with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Milwaukee County Sheriff's Office and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct agency business:

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(a) A PCD shall be carried in a manner consistent with the Uniform Regulations and Personal Appearance policies.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members should limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless authorized as directly related to official agency business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) Members will not access websites or applications for any purpose that is not official agency business, unless on an authorized break.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Wis. Stat. § 346.89). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other agency communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining agency vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When an agency vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's should notify the supervisor responsible for squad assignments when an assigned vehicle becomes inoperative or in need of repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer’s use parameters, may be removed from service and subjected to a safety inspection as needed. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all agency vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- Road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit
- 1 blanket
- 1 fire extinguisher

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- 1 spare tire, jack, and lug wrench
- Bolt cutters
- Cones
- Shovel
- Broom
- Heat-resistant gloves
- Dog snare
- Floating rescue disk

702.3.2 UNMARKED VEHICLES
An employee driving an unmarked agency vehicle should ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit
- 1 spare tire, jack, and lug wrench

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location. Deputies shall refuel their vehicles at the end of their respective shifts absent an emergency or supervisor approval.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 CIVILIAN EMPLOYEE USE
Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure agency vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of agency vehicles and shall not be construed to create or imply any contractual obligation by the County of Milwaukee to provide assigned take-home vehicles.

703.2 POLICY

The Milwaukee County Sheriff's Office provides vehicles for agency-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Agency, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 PATROL ASSIGNED VEHICLES

The Patrol Division Commander or the authorized designee shall post the squad assignment roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the member's on-duty supervisor.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this agency should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All agency vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Divisional Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating agency vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any agency vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.3.10 PARKING
Except when responding to an emergency or when urgent agency-related business requires otherwise, members driving agency vehicles should obey all parking regulations at all times.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without authorization from the Milwaukee County Fleet Management authorized designee.

703.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Agency vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other agency members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where agency vehicles must be used by members to commute to and from a work assignment. Members may take home agency vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Agency.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Milwaukee County limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES
Assignment of take-home vehicles shall be based on the location of the member’s residence; the nature of the member’s duties, job description and essential functions; and the member’s

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employment or appointment status. Residence in the County of Milwaukee is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Milwaukee may be required to secure the vehicle at a designated location or the Agency at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and a Divisional Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by a Divisional Commander and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from a Divisional Commander.
4. When the vehicle is being used by the Sheriff, Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All agency identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Divisional Commander or the authorized designee. If the vehicle is not secured inside a locked garage, all weapons shall be

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removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate agency facility, at the discretion of the Agency when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Agency shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Agency.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Milwaukee County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their agency-issued identification. Deputies should also ensure that agency radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Agency. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the agency supervisor in charge of vehicle maintenance.

(d) The Agency shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle service form explaining the service or repair, and leave it under the windshield wiper.

(f) All weapons shall be removed from any vehicle left for maintenance.

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703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any agency vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. The on-duty supervisor shall determine which agency shall conduct the traffic crash investigation (see the Traffic Crash Response and Reporting Policy).

Damage to any agency vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the on-duty supervisor. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any agency vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Agency.

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Off-Highway Vehicle Utility Terrain Vehicle (UTV) Procedure

706.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidance to the Milwaukee County Sheriff's Office deputies on the use and general management of utility terrain vehicles.

706.1.1 DEFINITIONS

Definitions related to this procedure include:

Off-highway vehicle (OHV) – Includes all-terrain vehicles, snowmobiles, off-highway motorcycles, off-highway utility vehicles, or any other agency-issued vehicle designed for off-highway use, but does not include boats, bicycles, or fleet trucks and cars.

Utility terrain vehicle (UTV) – Wisconsin defines a UTV (Wis. Stat. § 23.33(1)(ng)) as a commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with all the following:

- A net weight, without fluids, of 2,000 pounds or less
- Four or more low pressure or non-pneumatic tires
- A steering wheel
- Taillights
- Brake lights
- Two headlights
- A width of not more than 65 inches
- A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
- A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device

706.2 GENERAL GUIDELINES

The UTV is a small two-to-six-person four-wheel drive off-road vehicle. UTVs have an open cabin area and passenger restraints. UTVs are to be utilized by Milwaukee County Sheriff's Office to extend law enforcement efforts to the lakefront, beaches, bike paths, park areas, and other designated areas where conventional police vehicles are not suited for travel. The Sheriff or the authorized designee is responsible for establishing those designated areas to be patrolled. The vehicle shall not be operated in excess of 35 miles per hour. Deputies will not operate the UTV on the freeway. Prisoners may only be transported a short distance on a UTV if no other means can be utilized in the given area. All operators of the UTV shall drive with due regard for the safety of

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their passengers and the public. No UTVs shall become involved in a vehicle pursuit. UTVs will primarily be used off-road or during special events such as parades or events deemed necessary by the Sheriff or the authorized designee. The assigned Divisional Commander or the authorized designee will be responsible for maintaining the inventory and condition of this vehicle as well as ensuring all deputies are properly trained before operating the vehicle in an official capacity.

706.3 TRAINING REQUIREMENTS

The UTV shall only be used by personnel who have received official training on the operation, capabilities, and limitations of the vehicle. The UTV is designed to be driven primarily on non-paved surfaces and as such, maneuverability may be impacted when driving on public roadways. All operators will be required to pass an approved WI DNR ATV/OHV Safety Course online. If no basic instruction exists, the Sheriff's Office will establish a minimum level of proficiency before being allowed to operate the UTV.

706.4 PRE-RIDE INSPECTION

Prior to operation, the following pre-ride inspection shall be completed:

T – Tires and Wheels

(a) Air pressure – Always have the recommended tire pressure. Be sure front and back tires are inflated to equal pressures. If the tire pressure on one side is higher than the other side, the vehicle may pull to one side.

(b) Condition – Check for cuts or gouges that may cause an air leak.

(c) Wheels – To avoid loss of control or injury, make sure axle nuts are tightened and secured.

C – Controls and Cables

(a) Controls – Check the location of all the controls by sitting in the UTV. Make sure they work properly.

(b) Brakes – Ensure the controls operate smoothly and the controls are adjusted according to the owner's manual. Ensure they positioned for easy reach.

(c) Lights and Electrics

1. Ignition Switch (if equipped) – Check the condition of the switch and make sure it works properly by switching it off and on during the warm-up period.

2. Headlight, brake lights and taillight - Ensure they are working.

O – Oil and Fuel

(a) Fuel – Know the UTV's cruising range and start the ride with a full tank of fuel.

(b) Oil – Check oil level with dipstick or sight glass while the engine is off.

(c) Leaks – Check for fuel and oil leaks.

S – Spark Arrester/Muffler

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(a) Be certain the spark arrester/muffler is properly attached and working.

(b) Wiggle muffler in your hands to make sure it is firmly attached to the exhaust manifold. NOTE: Only if the machine has not been run within two hours.

If the UTV fails the pre-ride inspection or if any of the following items are not in working condition, the UTV shall not be operated, and the supervisor shall be notified that repairs are necessary:

- Parking brake
- Foot brake pedal
- Gas pedal
- Safety restraints

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Radio Procedure

707.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide agency members guidance in the use, maintenance, and protocol for hand-held or squad radios.

707.2 RESPONSIBILITIES

Radio use will be limited to official transmissions. When transmitting, members will speak clearly and deliberately. Members will use plain speech in radio communications in accordance with US Homeland Security. Members will transmit on the approved radio frequency (channel) as assigned by the Office of Emergency Management 911 Communications Division (OEM). Members must get the approval from OEM to use alternate or additional frequencies.

All squads, both marked and unmarked, will be equipped with a functioning radio. All squads with defective radios will be taken out of service immediately. Members acting in an official capacity where they can reasonably expect to take a call for service or have public interaction will be equipped with a portable or hand-held radio.

Members are expected to maintain communications with the Agency. All officers in field assignments shall notify OEM when they go on- and off-duty. Officers shall notify OEM when they make a vehicle stop, citizen contact, respond to a call for service, or any time they take enforcement action.

707.3 PROCEDURE

When transmitting, officers should identify themselves by assigned squad number before speaking. When no squad number is assigned, officers may use badge number or last name before transmitting. The phonetic alphabet shall be use when spelling words or names.

707.3.1 PHONETIC ALPHABET

The following shall be used when using the phonetic alphabet:

A - Adam	J - John	S - Sam
B - Boy	K - King	T - Tom
C - Charles	L - Lincoln	U - Union
D - David	M - Mary	V - Victor
E - Edward	N - Nora	W - William
F - Frank	O - Ocean	X - X-ray
G - George	P - Paul	Y - Young
H - Henry	Q - Queen	Z - Zebra
I - Ida	R - Robert	

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707.4 WANTED CHECKS

Deputies may run wanted checks on any person they come in contact with. Deputies should transmit the following information in the below order when requesting a wanted check:

- Last name
- First name
- Middle initial
- Sex
- Race
- Date of birth

707.4.1 WANTED CODES

When communicating information about a person with a suspected warrant, the following codes should be used:

- CODE 1 - Traffic related
- CODE 2 - Misdemeanor
- CODE 3 - Felony
- CODE 4 - Wanted, dangerous, or armed subject

A back-up squad should be requested to assist with any wanted individual.

707.5 REPORTING A VEHICLE

When an officer has contact with a vehicle (e.g., traffic stop, disabled or suspicious vehicle), he/she should provide the following information via radio:

- Nature or type of stop
- Direction of travel
- Highway or street location
- License plate number
- Description of vehicle

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the agency's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to the following:

- Crime reports (e.g., records management system)
- Parole and probation records
- Computer Aided Dispatch (CAD) data
- Office of Justice Assistance - Statistical Analysis Center
- Milwaukee Police Department Fusion Center
- Intelligence debriefs
- Badger TraCS data

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to

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the development of the agency's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

801.1.1 CRIMINAL INVESTIGATIONS SECURITY

The Criminal Investigations shall assign an Agency-wide evidence custodian to maintain the secure storage and control of the evidence vault. The evidence custodian is not responsible for the temporary evidence lockers maintained in each division. Evidence vault keys are maintained only by the evidence custodian and the Criminal Investigation Division supervisor.The evidence custodian and the Criminal Investigation Division supervisor shall not loan evidence vault keys to anyone and shall maintain keys in a secure manner.

Any individual entering the evidence vault other than the evidence custodian must be accompanied by the evidence custodian or the Criminal Investigation Division supervisor.

801.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Property - Includes all items of evidence, items taken for safekeeping and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Agency for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

801.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated temporary evidence locker, along with any completed documentation. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by a deputy with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence.

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Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for property entry. A CAD entry must be completed to document the release of property not entered.

801.3.1 PROPERTY ENTRY PROCEDURE

All property must be entered into the records management system prior to the member going off-duty. Members entering property shall observe the following guidelines:

(a) Describe each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings in the records management system. Generate and afix the property label.

(b) The deputy shall mark each item of evidence with initials and date.

(c) Items should be individually packaged.

(d) When property is placed in a temporary locker, the deputy shall complete the temporary locker card on the outside of the locker.

(e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any agency supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry.

801.3.2 CONTROLLED SUBSTANCES

All controlled substances and drug paraphernalia shall be entered separately.

801.3.3 EXPLOSIVES

Explosives will not be retained in any temporary locker or evidence vault. The bomb squad will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Only fireworks that are considered stable and safe and road flares or similar signaling devices may be entered into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence custodian is responsible for transporting to the porper authority, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain biological samples, should be properly labeled as such.

(b) Property stained with bodily fluids, such as blood or semen,shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

(c) License plates found not to be stolen or connected with a known crime should be placed in the designated container for return to the Wisconsin Department of Transportation. No formal property entry process is required.

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(d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence custodian or placed in the bicycle storage area until a evidence custodian can log the property.

(e) All cash shall be counted in view of a squad camera or body camera. A supervisor shall be contacted for cash in excess of $1,000. The cash shall be taen to Fiscal or a cashier who will provide the deputy with a receipt.The receipt shall be logged with the individual's property.

(f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

(g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formalentryis required. In cases where no responsible person can be located, the property should be entered for safekeeping in the normal manner.

801.4 PACKAGING OF PROPERTY

All property should be packaged in compliance with Wisconsin Division of Criminal Investigations standards or standards set by this agency.

Certain items require special consideration and shall be entered separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and entered separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

(g) Biohazards

(h) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery

(i) Potentially hazardous items (e.g., glass, syringes, knives)

801.4.1 PACKAGING CONTAINER

Members shall package all property, except controlled substances, in a suitable container that is appropriate for its size and the type of property (i.e., should a plastic bag or paper bag be used). Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

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A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES
The deputy seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in a temporary locker.

Controlled substances shall be packaged in an appropriate container. Controlled substances shall not be packaged with other property.

The deputy shall weigh the suspected controlled substance according to training. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label.

A property label shall be attached to the outside of the package. The chain of custody shall be recorded in the records management system using the label.

801.4.3 RIGHT OF REFUSAL
Any evidence custodian has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and return the item to the submitting deputy's supervisor. Should the Agency-wide evidence custodian refuse an item of property, he/she shall return the item to the respective divisional evidence custodian.

801.5 RECORDING OF PROPERTY
The evidence custodian receiving custody of evidence or property shall create a log book entry for each piece of property received. The logbook entry will be the permanent record of the property in the evidence vault. In the records management system, the evidence custodian shall enter the date and time the property was received and where the property will be stored.

The records management system shall maintain a unique property number created for each piece of property received. The records management system shall record, by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the records management system. This number shall be listed on the property tag and the property control label.

Any changes in the location of property held by the Milwaukee County Sheriff's Office shall be noted in the records management system.

801.6 PROPERTY CONTROL
Each time the evidence custodian receives property or releases property to another person, he/she shall enter this information in the records management system. Some items may require the completion of a property release form. Deputies desiring property for court shall contact the evidence custodian at least one day prior to the court day.

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801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the records management system shall be completed to maintain the chain of custody. A supplemental report should also be completed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time in the records management system and the request for laboratory analysis.

Any transfer of evidence to the crime laboratory requires the completion of a Wisconsin Department of Justice State Crime Laboratory Transmittal of Evidence Form.

The evidence custodian releasing the evidence must update the required information in the records management system. The Transmittal of Evidence will be transported with the property to the examining laboratory.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to deputies for investigative purposes, or for court, shall be entered in the records management system, stating the date, time and to whom it was released.

The evidence custodian shall obtain the signature of the person to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the evidence vault or released to another authorized person or entity.

The return of the property should be recorded in the records management system, indicating date, time and the person who returned it.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence custodian shall not release any property without a signed authorization from an appropriate authorized member of the Agency. The Criminal Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Agency.

For property in custody of the Agency for investigatory or prosecutorial purposes and owned by a victim or witness, an evidence custodian shall, upon the request of the owner:

(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

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801.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken unless the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed in the records management system or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days, but not more that 6 months. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in related reports.

An evidence custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property release form. After release of all property entered on the property release form, the records management system entry shall be updated.

801.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Agency, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or otherwise establishes undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Agency may be asked to file an interpleader in court to resolve the disputed claim.

801.6.7 CONTROL OF CONTROLLED SUBSTANCES

The evidence custodian will be responsible for the storage, control, and destruction of all controlled substances coming into the custody of this agency, including paraphernalia as described in Wis. Stat. § 961.571(1)(a).

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801.6.8 RELEASE AND DISPOSAL OF FIREARMS
A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Agency shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

801.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)).

Upon any release or sale of any property, the proper notation shall be made in the records management system. Proceeds from the sale of unclaimed property shall be deposited into the County treasury, minus reimbursement for agency expenses.

801.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any property used in the commission of a crime

801.7.2 RETENTION OF BIOLOGICAL EVIDENCE
The Criminal Investigations supervisor shall ensure that no biological evidence held by the Agency is destroyed prematurely or without adequate notification pursuant to Wis. Stat. § 968.205 to the following persons, when applicable:

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(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Criminal Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law, the Criminal Investigations supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Agency pursuant to Wis. Stat. § 968.205(5). A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor’s office.

801.7.3 RETENTION OF SEXUAL ASSAULT KITS

After a state crime laboratory processes a sexual assault kit and returns it to the Agency's possession, the Agency shall securely store the kit for a period of 50 years, until the expiration of the statute of limitations, or until the end of the convicted offender's term of imprisonment or probation, whichever period is longer (Wis. Stat. § 165.775; Wis. Admin. Code § JUS 20.05).

801.8 REPORT OF ABANDONED PROPERTY AND UNCLAIMED FUNDS

The Criminal Investigations Division supervisor shall collaborate with Milwaukee County Fiscal to periodically review the sundry account and forward funds to theCounty Treasurer.

801.9 INSPECTIONS OF THE EVIDENCE VAULT

On a random basis, the Criminal Investigation Division supervisor shall inspect the evidence vault and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of the evidence vault shall be conducted annually, as directed by the Sheriff, including a random inspection of firearms, controlled substances, and up to 20 other items.

(b) A complete audit of the evidence vault shall be conducted by the Criminal Investigations Division Evidence Custodian at least every four years, or as assigned by the Sheriff.

(c) Whenever a personnel change is made in the Evidence Custodian, an inventory of all evidence/property within the evidence vault shall be made under the supervision of a

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Criminal Investigation Division supervisor, with the assistance of the new personnel, to ensure that records are correct and all evidence and property is accounted for.

801.9.1 INSPECTIONS OF THE TEMPORARY EVIDENCE STORAGE AREAS

On a monthly basis, the respective Division Commander or the authorized designee shall inspect any temporary evidence storage areas under his/her command to ensure adherence to appropriate policies and procedures.

801.9.2 REPORTING

Whenever an inspection of a temporary storage area or the evidence vault occurs, a report should be completed in the records management system.

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Public Records Unit

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Milwaukee County Sheriff's Office Public Records Unit. The policy addresses agency file access and external requests for documents.

802.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to maintain agency records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 CUSTODIAN OF PUBLIC RECORDS RESPONSIBILITIES

The Sheriff or the authorized designee shall appoint and delegate certain responsibilities to a Custodian of Public Records. The Custodian of Public Records shall be directly responsible to the Administration Divisional Commander or the authorized designee. The responsibilities of the Custodian of Public Records include, but are not limited to:

- Overseeing the efficient and effective operation of the Public Records Unit.
- Scheduling and maintaining Public Records Unit time records.
- Ensuring compliance with established policies and procedures.
- Supervising the access, use and release of protected information (see the Protected Information Policy).
- Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
  - Homicides
  - Cases involving agency members or public officials
  - Any case where restricted access is prudent
  - Open investigations

802.3.2 PUBLIC RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Public Records Unit include, but are not limited to:

(a) Maintaining a records management system for case reports.

  (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

  1. Modification of case reports shall only be made when authorized by a supervisor.

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(c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.

802.3.3 PUBLIC RECORDS UNIT PROCEDURE
The Custodian of Public Records should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records

802.4 FILE ACCESS AND SECURITY

The security of files in the Public Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a sheriff's agency case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Public Records Unit, accessible only by authorized members of the Public Records Unit. Access to case reports or files when Public Records Unit staff is not available may be obtained through the Shift Commander.

The Public Records Unit will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 CASE REPORTS
Should a case report be needed for any reason, the requesting agency member shall first obtain authorization from the Custodian of Public Records. All case reports removed from the Public Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which a case report may be removed from the Public Records Unit.

All case reports to be removed from the Public Records Unit shall be photocopied and the photocopy retained in the file location of the case report until the original is returned to the Public Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

802.5 CONFIDENTIALITY

Public Records Unit staff has access to information that may be confidential or sensitive in nature. Public Records Unit staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Public Records Unit procedure.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of agency records. Protected information is separately covered in the Protected Information Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Legal custodian of records - The person designated by the Agency as the legal custodian of records to fulfill all duties required by law, if no designation is made the legal custodian of records shall be the Sheriff (Wis. Stat. § 19.21; Wis. Stat. § 19.33).

Public records - Records that are not classified, restricted, confidential or private, and may be released by law, upon request.

Record - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by or is being kept by an authority (Wis. Stat. § 19.32).

Record subject - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32).

803.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Agency, including the retention, archiving, release and destruction of agency public records.

(b) Maintaining and updating the agency records retention schedule including:

1. Identifying the minimum length of time the Agency must keep records.
2. Identifying the agency division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of agency public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

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(f) Ensuring a current schedule of fees for public records as allowed by law is available.

(g) Ensuring the prominent display of information regarding the agency's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).

(h) Ensuring juvenile records are distinguished from adult records and stored separately.

(i) Establishing procedures for the destruction of both adult and juvenile records, when appropriate and in accordance with established retention schedules.

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any agency member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) Although not required by law, the Agency will send an initial receipt letter informing the requester that the request has been received and that it is being addressed. If the request is unreasonably broad or burdensome, the Custodian of Recordsshould ask the requester if he/she is willing to narrow or refine the request.

(b) The Agency is not required to create records that do not exist (Wis. Stat. § 19.35(1)(L).

(c) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the agency-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(d) The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).

(e) If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requester shall be notified in writing of the delay.

803.4.2 RECORDS INVOLVING THE REQUESTER

If a request is received from an individual or a person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information, the request shall be granted or denied access in accordance with Wis. Stat. § 19.35(4)(c).

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All requests from criminal defendants and his/her authorized representatives, including attorneys, shall be referred to the District Attorney, Milwaukee County Corporation Counsel or the courts.

803.4.3 NOTICE REQUIREMENTS IN LIMITED CIRCUMSTANCES

If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Agency shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)).

Within five days after receipt of notice by the Agency, an individual may provide written notification of his/her intent to seek a court order restraining the Agency from providing access to the requested record (Wis. Stat. § 19.356(3)).

Within 10 days after receipt of a notice by the Agency, an individual may commence an action seeking a court order to restrain the Agency from providing access to the requested record (Wis. Stat. § 19.356(4)).

The Agency shall not provide access to the requested record within 12 days of sending a notice to an individual pertaining to that record. In addition, if the individual commences a court action, the Agency shall not provide access to the requested record during pendency of the action. The Agency shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the Agency receives written notice from the individual that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

803.4.4 DENIALS

The denial of a request for records is subject to the following:

If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

803.4.5 RECORDS DESTRUCTION

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Agency receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

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803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any agency record, including traffic crash reports, are restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).

(b) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).

(c) Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)):

1. Endangering an individual's life or safety.
2. Identifying a confidential informant (Wis. Stat. § 19.36(8)).
3. Endangering security, including that of the staff or population of a detention facility.

(d) Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am).

(e) Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)2m).

(f) Crime victim and witness information (Wis. Stat. § 950.04).

(g) Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).

(h) Search warrants until they have been executed (Wis. Stat. § 968.21).

(i) Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).

(j) Information in employee personnel records (Wis. Stat. § 19.36(10)).

(k) Patient health care records (Wis. Stat. § 146.82).

(l) Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a

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subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Milwaukee County Corporation Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency and/or the Professional Standards Division so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency name and to whom the record was released.

Each audio/video recording released should include the agency name and to whom the record was released.

803.8 EXPUNGEMENT

Expungement orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court (Wis. Stat. § 973.015; Wis. Stat. § 938.355). Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is expunged, members shall respond to any inquiry as though the record did not exist.

803.9 SECURITY BREACHES

Members who become aware that any Milwaukee County Sheriff's Office system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall ensure the required notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 1,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Wis. Stat. § 134.98).

Notice shall be given within a reasonable time, not to exceed 45 days, after the Milwaukee County Sheriff's Office discovers the breach. Notice may be delayed if notification will impede an investigation or homeland security (Wis. Stat. § 134.98).

For the purposes of the notice requirement, personal information includes an individual’s first name or first initial and last name in combination with any one or more of the following (Wis. Stat. § 134.98):

(a) Social Security number

(b) Driver’s license number or Wisconsin identification card number

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(c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account

(d) The individual's DNA profile (as defined by Wis. Stat. § 939.74), or the individual's biometric data, including fingerprint, voice print, retina or iris image or any other unique physical representation

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Milwaukee County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Milwaukee County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Milwaukee County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Transportation (DOT) records and the Transaction Information for the Management of Enforcement (TIME) system.

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Milwaukee County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and will subject a member to disciplinary action up to and including termination and/or criminal prosecution.

804.5 RELEASE OR DISSEMENATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Custodian of Records for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Public Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other agency members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures and coordinating with the Information Management Services Division to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

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(d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.6.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization’s records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Members may consider taking action when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

  (a) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

  (b) With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

  (c) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

805.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

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805.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Wis. Stat. § 951.01 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

805.7 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7.1 QUARANTINE

If the member has reason to believe an animal has bit a person, is infected with rabies, or has been in contact with a rabid animal, he/she shall order the animal to be quarantined (Wis. Stat. § 95.21(4); Wis. Stat. § 95.21(5)).

805.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen (Wis. Stat. 174.042(3)).

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the member should request other available resources, including the assistance of animal control services.

805.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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Public Record Request Procedure

806.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide the Milwaukee County Sheriff's Office's Records Custodian and other authorized members guidance in the process of responding to a public records request in compliance with Wis. Stat. § 19.34.

806.2 POLICY

The Wisconsin Public Records Law (Wis. Stats. §§ 19.21-19.39) provides that all persons are entitled to the greatest possible information regarding government affairs and the official acts of government officers. Although Wisconsin's Public Records Law is broad in scope and application, the public's right to access public records is not absolute.

806.3 PUBLIC RECORDS DEFINED

Public records are "any material on which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or being kept by an authority" (Wis. Stat. § 19.32(2)).

806.4 PROCEDURE

806.4.1 PUBLIC RECORDS REQUEST

Requests for public records can be made by:

- Email
- In person
- U.S. mail
- Fax

Upon receipt of a public records request, the request should be entered into the Public Records Database, which generates a number for each request. The requestor will receive a confirmation letter stating that the request has been received and is being addressed. Although there is no set time frame to respond to a public records request, the Agency must address a request as soon as practical and without delay. The Wisconsin Department of Justice recommends that 10 working days is generally a reasonable amount of time for responding to a simple request for a limited number of easily identifiable records. If the request is particularly large and complex, the Records Custodian or other authorized member should inform the requestor that it may take a longer than normal amount of time to process. If the request is unreasonably broad or burdensome, the Records Custodian or other authorized member should ask the requestor if he/she is willing to narrow or refine the request.

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Once the records are located, the Records Custodian shall examine each record to see if any portions need to be redacted pursuant to statute or case law and if not, to apply the required balancing test to each individual record. The exceptions to disclosure will be dictated by circumstance. Common information statutorily exempted from disclosure includes Social Security numbers, employees' personally identifying information, and law enforcement records pertaining to juveniles (Wis. Stats. §§ 19.36(5), 10(a), (11), (13)). Determining whether a record should be disclosed under the balancing test requires a deep analysis of competing public policies. There are no blanket exceptions under the balancing test. Each record must be examined on a case-by-case basis.

If the request is denied, the requestor will receive a denial letter stating why the request has been denied. The requestor may file a petition for a writ of mandamus under Wis. Stat. § 19.37(1) or on an application to the attorney general or district attorney, or an action for mandamus (Wis. Stat. § 19.37(1)).

806.4.2 FEES

The requestor will receive a billing invoice along with his/her fulfilled request. Invoices may be paid by check to the address listed on the invoice. Invoices can also be paid in-person by check or cash in room 102 of the Safety Building. Fees may be waived on a case-by case basis.

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Property and Evidence Destruction Procedure

807.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide the Milwaukee County Sheriff's Office's members guidance in the proper destruction of evidence or property in accordance with the WI State Statutes (§§968.02, 968.205, 66.0139, 961.55, 971.17, and 980.06).

807.2 POLICY

It shall be the responsibility of each case officer and his / her supervisor to keep track of all retention periods for evidence / property inventoried by that officer.

807.3 PROCEDURE

807.3.1 RETENTION OF EVIDENCE

The following evidentiary-related items shall be retained in connection with the following:

- Open Circuit Court case including appeal
- State Warrant
- Unsolved homicides
- Homicide convictions
- Unknown DNA profile (John Doe warrant)

The following retention periods for evidence shall be in addition to the above mentioned evidentiary-related retention:

- DNA or biological material evidence shall be retained until every convicted person has completed their sentence, including probation, extended supervision or an equivalent commitment.
- Controlled Substances shall be retained for six months if not related to a criminal case.
- Controlled Substances shall be retained for one year after the final disposition for all criminal cases.
- For evidence of a felony offense (with the exception of Homicides and biological DNA) where no suspect has been identified or where the suspect has been identified and a warrant has not been issued, the maximum retention period is six years from the date of the offense.
- Evidence in a felony closed case (with the exception of Homicides and biological DNA) is retained one year after sentencing.
- For evidence of a misdemeanor offense where no suspect has been identified or where the suspect has been identified and a warrant has not been issued, the maximum retention period is three years from the date of the offense.
- Evidence in a misdemeanor closed case is retained nine months after sentencing.

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- Evidence in county ordinance court cases shall be retained for seven months after the case is closed.
- Suicide evidence shall be retained for one year after the medical examiner's ruling of suicide.
- Evidence related to other deaths which are not related to natural causes shall be retained for a minimum of three years.
- Officer involved critical incident evidence shall be retained for 7 years after the date of the incident.

807.3.2 SAFEKEEPING
Property taken for safekeeping (not evidence of a crime) shall be held for thirty days if not returned to the owner. Property taken for safekeeping where the owner is known is retained for thirty days after owner notification.

807.3.3 DISPOSAL OF FIREARMS
Unclaimed firearms and ammunition (non-evidentiary) may be destroyed after twelve months. (WI Stats §968.20(3))

807.3.4 DESTRUCTION AND CLEARANCE AUTHORIZATION
The Investigative Services Bureau (ISB) evidence custodian will periodically send a report to each officer listing their evidence or property currently in inventory with the Agency.

Each officer shall:

- Check the status of their case to determine if it shall continue to be held by the Agency.
  - Use RMS / CCAP to determine the case and property status
  - Any clarification needed on case status should be directed to the district attorney's office.
- Indicate on the evidence destruction sheet whether the evidence or property shall be destroyed.
- If the property is to be retained, note the reason (e.g. open case, homicide)
- Each case shall be marked as either destroy or retain and be initialed by the officer.

807.3.5 SEPARATION OF EVIDENCE CLEARED FOR DESTRUCTION
Controlled Substance evidence shall be destroyed by ISB:

1. All controlled substances shall be placed in boxes or bags earmarked for destruction via burning. The boxes and bags shall be numbered and an exact listing of the contents of each box/bag shall be recorded.
   (a) The listing of controlled substances shall include the case number, item number, and description of the substance.

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2. Obtain a Court Order from the Chief Judge of Milwaukee County for permission to destroy all controlled substances no longer deemed necessary for any criminal or civil proceedings.
    (a) A master list of all controlled substances to be destroyed shall be maintained and presented to the Chief Judge of Milwaukee County as part of the agency's petition for the destruction of said substances.
3. Upon receipt of the Court Order, conduct the controlled substance destruction by partnering with an authorized vendor to burn all items earmarked for destruction.
4. Upon completion of the controlled substance burn, a copy of the original destruction order along with a list of all items destroyed as well as a notarized witness sheet shall be returned to the chief judge's office for filing.

Firearms and ammunition shall be destroyed by ISB:

1. All weapons and ammunition earmarked for destruction shall be turned over to the Wisconsin State Crime Lab for disposal.
2. An exact listing of all weapons to be turned over to the Crime Lab shall be made and presented to the Crime Lab upon turnover of the weapons.
    (a) The inventory listing shall include the case number, item number and weapon description. Ammunition does not have to be an exact in number.
3. The Crime Lab shall provide a complete receipt of all weapons turned over after inspection to ensure the lists match. Ammunition does not need to be receipted.

Money to include cash and cash receipts shall be turned over to the Agency's cashier:

1. A complete list of all monies (cash and cash receipts) shall be made and turned over to the cashier. The cashier shall sign for all monies received.
    (a) The inventory listing shall include the case number, item number and amount.

All items of an explosive nature (e.g. fireworks) shall be turned over to the Bomb Squad for disposal.

All items which do not fit into the above categories will be destroyed by ISB:

- Evidence packaging and items will be separated prior to destruction.
- Evidence packaging shall be placed into a non-transparent container for disposal. No other items shall be placed in this disposal container.
- Evidentiary or property items earmarked for destruction shall be destroyed and placed into a non-transparent container for disposal. No evidence packaging shall be placed in this disposal container.
- Biohazardous material shall be disposed of using approved secure medical waste disposal methods.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Milwaukee County Sheriff's Office and held at the Patrol or Airport Division Substation for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding room cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Agency.

Safety checks - Direct, visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Patrol or Airport Division Substation prior to being released or for investigation, processing, or transfer to a housing or other type of facility.

900.2 POLICY

The Milwaukee County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Patrol or Airport Division Substation.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Patrol or Airport Division Substation, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, and who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).

1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Patrol or Airport Division Substation unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized agency member capable of supervising shall be present at the Patrol or Airport Division Substation at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

When an adult is in temporary custody, at least one agency member of the same sex should be present, when practicable. In the event that none is readily available, video surveillance should be utilized in addition to the in-person observations.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the on-duty supervisor.

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When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should complete a health screening for each person to include any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the on-duty supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The on-duty supervisor shall determine whether the individual will be placed in a holding room, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall (Wis. Admin. Code § DOC 349.06):

(a) Advise the on-duty supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

(a) Continuous, direct sight and sound supervision.

(b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol and Airport Divisional Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation.

Agency members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

(c) If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

2. Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Patrol or Airport Division Substation, the custody shall be promptly and properly documented in a custody log, including (Wis. Admin. Code § DOC 349.11(1)):

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Patrol or Airport Division Substation.

(c) Any charges for which the individual is in temporary custody and any incident number.

(d) Time of all safety checks.

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(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Patrol or Airport Division Substation.

The on-duty supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

  (a) There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

  (b) This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (Wis. Admin. Code § DOC 349.06(4)).

(d) There is reasonable access to a drinking fountain or water (Wis. Admin. Code § DOC 349.06(4)).

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy for attorney contacts.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

  1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches (Wis. Admin Code § DOC 349.06(4)).

(k) No adult should be in a holding room for longer than four hours (Wis. Admin. Code § DOC 349.06).

900.5.3 MEDICAL CARE

Fully stocked first-aid equipment and basic medical supplies should be available to agency members. At least one member who has current certification in basic first aid and CPR should

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be on-duty at all times. The Patrol and Airport Divisional Commander or the authorized designee should ensure that all first-aid equipment is inspected and re-stocked as needed in their respective Division.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should assign a deputy to meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Patrol or Airport Division Substation. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the on-duty supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Agency should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request

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is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons (e.g., baton, knife) shall not be permitted in secure areas where individuals are in custody or are processed (e.g. patrol booking room, airport holding rooms). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a holding room/cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Patrol or Airport Division Substation unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

The on-duty supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The on-duty supervisor shall attempt to prove or disprove the claim or, as appropriate, provide the individual with a Notice of Claim form.

900.8 RECEIVING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to agency members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by agency members shall occur no less than every 30 minutes.

  (a) Safety checks should be at varying times.

  (b) All safety checks shall be logged.

  (c) Safety checks shall be done by personal observation by the deputy and shall be sufficient to determine whether the inmate is experiencing any stress or trauma.

  (d) If an individual has been identified as at-risk or suicidal after he/she has been placed in a holding room/cell, he/she should be checked no less than every 15 minutes.

(f) Requests or concerns of the individual should be logged.

(g) A head count of all individuals in holding rooms at least every eight hours coinciding with shift change.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol and Airport Divisional Commander will ensure procedures are in place,in their respective Division, to address any suicide attempt, death or serious injury of any individual in

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temporary custody at the Patrol or Airport Division Substation. The procedures should include the following as applicable (Wis. Admin. Code § DOC 349.18):

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Commander and other applicable supervisors depending on the severity of the incident.

(c) List of persons to be notified in case of potential, attempted, or completed suicides or other deaths.

(d) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband, dangerous weapons, or any other items identified as not accepted by the Milwaukee County Jail, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Milwaukee County Sheriff's Office unless escorted by a member of the Agency.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The agency member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

(i) Documentation confirming the transfer of custody of an individual to another facility or entity shall be provided to the receiving outside agency. Written acknowledgement of receipt of custody of an individual shall be obtained from the receiving outside agency. All documentation of the transfer of custody of any individual should be retained in the individual’s file.

(j) All safety procedures designated by the receiving entity shall be followed by the transporting deputy.

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900.11 ASSIGNED ADMINISTRATOR

The Patrol and Airport Divisional Commander will ensure any reasonably necessary supplemental procedures are in place, in their respective Division, to address the following issues:

(a) General security (Wis. Admin. Code § DOC 349.12)

(b) Key, culinary equipment and tool control (Wis. Admin. Code § DOC 349.12)

(c) Sanitation and maintenance (Wis. Admin. Code § DOC 349.08)

(d) Emergency medical treatment

(e) Escapes (Wis. Admin. Code § DOC 349.11)

(f) Evacuation plans (Wis. Admin. Code § DOC 349.10)

(g) Fire- and life-safety (Wis. Admin. Code § DOC 349.10; Wis. Admin. Code § DOC 349.12)

(h) Disaster plans

(i) Building and safety code compliance (Wis. Admin. Code § DOC 349.12)

(j) Required notifications, including any required to be made the regional detention facilities specialist (Wis. Admin. Code § DOC 349.11)

(k) Receiving detainees from outside law enforcement agencies

900.12 TRAINING

Agency members should be trained and familiar with this policy and any supplemental procedures.

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Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Milwaukee County Sheriff's Office (34 USC § 11133).

This policy does not apply to secure detention facilities, the juvenile portion of a county jail, or municipal lockups certified to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to an intake worker, or delivered to any of these other facilities.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Guardian - A person named by the court having the duty and authority of guardianship (Wis. Stat. § 938.02).

Juvenile non-offender - An abused, neglected, dependent, or juvenile who may be legally held for his/her own safety or welfare or any child 9 years of age or younger. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 10 years of age to 16 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or an offense related to alcohol possession. It also includes an offense under Wis. Stat. § 948.60 where the juvenile possessed a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a bench.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile is kept within the secure perimeter of a jail or lockup after booking/ processing is completed even if a agency member is present and visually supervising.

(h) A juvenile placed in a room that is capable of being locked or contains a bench designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Milwaukee County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Milwaukee County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Milwaukee County Sheriff's Office:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Milwaukee County Sheriff's Office or the Vel R. Phillips Youth Detention Center unless they have been evaluated by a qualified medical and/or mental health professional.

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If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

901.3.1 EMERGENCY MEDICAL TREATMENT
If a juvenile is believed to be suffering from a serious physical condition that requires prompt diagnosis or prompt treatment, the deputy taking the juvenile into physical custody shall take the juvenile to a hospital (Wis. Stat. § 938.20).

901.3.2 SUICIDE PREVENTION
The arresting deputy should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody.

901.4 TEMPORARY CUSTODY OF JUVENILES
Deputies should take custody of a juvenile and temporarily hold the juvenile at the Milwaukee County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Milwaukee County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. Juveniles should be considered a priority for release and should not be held longer than necessary following the conclusion of processing, testing, and/or interrogation (34 USC § 11133; Wis. Stat. § 938.20).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Milwaukee County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent) or otherwise authorized under Wis. Stat. § 48.19 et seq. or Wis. Stat. § 938.19. Juvenile status offenders may not be held in secure custody (34 USC § 11133).

901.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Milwaukee County Sheriff's Office.

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Generally, a juvenile offender may be taken into custody when (Wis. Stat. § 938.19):

(a) There is a court order or warrant authorizing custody of the juvenile.

(b) There are reasonable grounds (probable cause) to believe that a juvenile is committing or has committed an act which is a violation of a state or federal criminal law that would subject an adult to arrest.

When a juvenile offender is taken into custody, the deputy taking the juvenile into custody shall immediately attempt to notify the parent, guardian, legal custodian or Indian custodian of the juvenile by the most practical means. The deputy taking the juvenile into custody shall continue such attempts until the parent, guardian, legal custodian or Indian custodian of the juvenile is notified, or the juvenile is delivered to an intake worker under Wis. Stat. § 938.20(3), whichever occurs first (Wis. Stat. § 938.19). If contact cannot be made in five days, a letter should be sent to the parent, guardian, legal custodian, or Indian custodian.

If the juvenile is 15 years of age or older, the deputy may release the juvenile without immediate adult supervision after counseling or warning the juvenile, as may be appropriate (Wis. Stat. § 938.20).

A juvenile offender who is not released after counseling or warning should be released to a parent, guardian or other responsible adult, unless the deputy reasonably believes that he/she should be referred to an intake worker because he/she will injure others, injure the property of others, run away or be taken away, that the juvenile’s safety and well-being will be at risk due to lack of care, or the juvenile otherwise qualifies for secure detention (Wis. Stat. § 938.20; Wis. Stat. § 938.205; Wis. Stat. § 938.208).

If the juvenile offender is not released, the deputy who takes a juvenile offender into custody shall make a statement, in writing, with supporting facts, of the reasons why the juvenile was taken into custody and shall give a copy of the statement to the intake worker. If the intake interview is not done in person, the report may be read to the intake worker (Wis. Stat. § 938.20).

901.4.4 SECURE CUSTODY

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others or running away. Secure custody should not be used for convenience when non-secure custody is, or later becomes, a reasonable option.

The circumstances that justify any secure custody should be documented and approved by the Shift Commander.

When practicable, handcuffing one hand of a juvenile offender to a bench while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile’s safety while secured to a bench.

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Generally, juveniles should not be secured to a bench for more than 60 minutes. Supervisor approval is required to secure a juvenile to a bench for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(c) Juveniles shall have constant auditory access to agency members.

(d) Initial placement into and removal from a locked enclosure shall be logged.

(e) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

901.4.5 RELEASE AFTER PROCESSING

Absent exceptional circumstances, juveniles should be considered a priority for release and should not be held longer than necessary following the conclusion of processing, testing, and/or interrogation.

901.5 ADVISEMENTS

The deputy who takes a juvenile offender into custody and makes a statement for the intake worker that is in writing, with supporting facts, of the reasons why the juvenile was taken into custody shall give a copy of the statement to a juvenile offender who is 10 years of age or older (Wis. Stat. § 938.20).

901.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Agency, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Milwaukee County Sheriff's Office.

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(c) Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

901.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Agency (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Milwaukee County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Milwaukee County Sheriff's Office shall ensure the following:

(a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Milwaukee County Sheriff's Office more than four hours. This will enable the Shift Commander to ensure no juvenile is held longer than necessary at the Milwaukee County Sheriff's Office.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to water.

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(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(j) Blankets should be provided as reasonably necessary.

(k) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(l) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(m) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be restrained at the Milwaukee County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be restrained unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

901.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Milwaukee County Sheriff's Office shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, strings, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Milwaukee County Sheriff's Office.

901.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Milwaukee County Sheriff's Office. The procedures will address:

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(a) Immediate notification of the on-duty supervisor, Sheriff,Criminal Investigation Division supervisor, and PIO.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the Milwaukee County Corporation Counsel.

(e) Evidence preservation.

(f) Notification to the Department of Corrections Regional Detention Facilities Specialist within 48 hours.

901.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Interviews of juveniles at schools should follow any protocols jointly developed with the local school officials and this agency.

901.12.1 RECORDING CUSTODIAL INTERROGATIONS

Deputies shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place of detention unless good cause is shown for not making a recording or an exception applies.

If feasible, deputies shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place other than a place of detention unless good cause is shown for not making a recording or an exception applies.

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment (Wis. Stat. § 938.195(2)).

Exceptions to an audio or audio-and-visual recording of a juvenile interrogation include (Wis. Stat. § 938.31(3)(c)):

(a) The juvenile refuses to respond or cooperate in the interrogation if a recording is being made.

1. The juvenile’s refusal shall be documented by contemporaneous audio or audio-and-visual recording or in a written report.

(b) The juvenile’s statement is made in response to a question asked as part of the routine processing.

(c) The juvenile’s statement is made spontaneously and not in response to a question.

(d) The deputy, in good faith, fails to make a recording because the equipment does not function, or it malfunctions, stops operating or the deputy inadvertently fails to operate the equipment properly.

(e) Exigent public safety circumstances exist that prevent the deputy from making a recording or that render the making of such a recording infeasible.

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A deputy conducting a custodial interrogation is not required to inform the juvenile that the deputy is making an audio/visual recording of the interrogation (Wis. Stat. § 938.195(3)).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

901.13 RESTRICTIONS ON FINGERPRINTING AND PHOTOGRAPHING

Juveniles should be booked, fingerprinted, and photographed and formal criminal charges filed under any of the following circumstances (Wis. Stat. § 165.83):

(a) For an offense that is a felony

(b) For an offense that is a misdemeanor or a violation of an ordinance involving burglary tools, commercial gambling, dealing in gambling devices; for contributing to the delinquency of a child, dealing in stolen property, possessing and selling controlled substances under Wis. Stat. Chapter 961; for violations involving firearms, dangerous weapons, explosives; for pandering, prostitution, or committing violations involving sex offenses where children are victims; or for issuing worthless checks

(c) For an offense charged as disorderly conduct but that relates to an act connected with one or more of the above offenses

(d) If the juvenile is a fugitive from justice

901.13.1 JUVENILE PHOTOGRAPHS AND RECORDS

All photographs and records of juveniles shall be kept separate from adult photographs and records (Wis. Stat. § 938.396).

This agency does not allow copies of juvenile photographs to be automatically obtained by parents, guardians, or legal custodians. However, parents, guardians, or legal custodians may submit a written request to review a juvenile's records or photograph in compliance with the Records Maintenance and Release Policy (Wis. Stat. § 938.396).

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Milwaukee County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of agency members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any agency vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

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902.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Milwaukee County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this agency, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

When holding an individual at the Patrol Substation temporary lock-up, all property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another agency member.

902.4.2 VERIFICATION OF MONEY

When holding an individual at a temporary lock-up, all money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front.

902.5 STRIP SEARCHES

No person may be the subject of a strip search unless he/she is arrested or detained, in accordance with Wis. Stat. § 968.255(1).

No person held at any Milwaukee County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person is concealing a weapon or contraband. Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person is arrested is required if the person is arrested for a violation of state law punishable by forfeiture, any local ordinance, or a misdemeanor offense other than the following list of offenses that involve weapons or violence:

- Wis. Stat. § 167.30(1)

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- Wis. Stat. § 940.19
- Wis. Stat. § 941.20(1)
- Wis. Stat. § 941.23
- Wis. Stat. § 941.237
- Wis. Stat. § 941.231
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on agency members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Milwaukee County Sheriff's Office facilities shall be conducted in accordance with the Searches Policy in the Custody Manual (28 CFR 115.115; Wis. Stat. § 968.255):

(a) Written authorization from the Sheriff or the authorized designee shall be obtained prior to the strip search.

(b) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Sheriff or the authorized designee authorization and only in exceptional circumstances.

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Special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be conducted in accordance with the Searches Policy in the Custody Manual (Wis. Stat. § 968.255).

902.7 SEARCHES OF PERSONS WITH PHYSICAL DISABILITIES

A search of a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb shall be conducted in accordance with the Searches Policy in the Custody Manual (Wis. Stat. § 968.256(2)).

902.8 TRAINING

The Training Director shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Members who may conduct a strip search as part of their duties shall also be given annual training on this policy and any related agency procedures (Wis. Stat. § 968.255).

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Prison Rape Elimination

903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.11).

903.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex -A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Sexual abuse - Any of the following acts, if the inmate does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above

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- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

903.2 POLICY

This agency has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This agency will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

903.3 PRESERVATION OF ABILITY TO PROTECT INMATES

The Agency shall not enter into or renew any collective bargaining labor agreement or other agreement that limits the agency' s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

903.4 PREA COORDINATOR

The jail Commander shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA standards. The PREA Coordinator shall review facility policies and practices and make appropriate compliance recommendations to the Jail Commander. (28 CFR 115.11).

The PREA coordinator's responsibilities shall include:

(a) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and facility management to an incident of sexual abuse. The plan must also outline the agency's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents (28 CFR 115.11; 28 CFR 115.65; 28 CFR 115.62).

(b) Ensuring that within 30 days of intake, inmates are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the agency's policies and procedures for responding to such incidents (28 CFR 115.33).

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(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration (28 CFR 115.13).

1. Generally accepted detention and correctional practices.
2. Any judicial findings of inadequacy.
3. Any findings of inadequacy from federal investigative agencies.
4. Any findings of inadequacy from internal or external oversight bodies.
5. All components of the facility's physical plant, including blind spots or areas where staff or inmates may be isolated.
6. The composition of the inmate population.
7. The number and placement of supervisory staff.
8. Institution programs occurring on a particular shift.
9. Any applicable state or local laws, regulations, or standard.
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
11. Any other relevant factors.

(d) Ensuring that, when designing, acquiring, expanding or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system, or other monitoring technology, consideration is given to the agency’s ability to protect inmates from sexual abuse (28 CFR 115.18).

(e) Ensuring that any contract for the confinement of Milwaukee County Sheriff's Office detainees or inmates includes the requirement to adopt and comply with the PREA standards including obtaining incident-based and aggregated data, as required in 28CFR 115.187. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards (28CFR 115.12).

(f) Making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential, emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.53).

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(g) Ensuring the protocol describing the responsibilities of the Agency and of another investigating agency, if another law enforcement agency will be responsible for conducting any sexual abuse or sexual harassment investigations, is published on the facility website or by other means, if no website exists (28 CFR 115.22).

(h) Implementing a process by which inmates may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Agency and that the outside entity or office is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the Jail Commander, allowing the inmate anonymity (28 CFR 115.51).

(i) Establishing a process to ensure accurate, uniform data collection for every allegation of sexual abuse at facilities under the direct control of this agency, using a standardized instrument and set of definitions. Upon request, the Agency shall provide all such data from the previous calendar year to the U.S. Department of Justice (DOJ) no later than June 30 (28 CFR 115.87).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the U.S. DOJ.

2. The data shall be aggregated at least annually.

(j) Establishing a process to monitor the conduct and treatment of detainees or staff who have reported sexual abuse and the conduct and treatment of detainees who were reported to have suffered sexual abuse.

(k) Ensuring that the following are published on the agency website or by other means, if no website exists:

1. Agency policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22)

2. Information on how to report sexual abuse and sexual harassment on behalf of an inmate (28 CFR 115.54)

(l) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).

(m) Implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.13).

(n) Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the Agency informed of the progress of the investigation (28 CFR 115.71).

(o) Ensuring the Agency conducts follow-up criminal background records checks at least once every five years as per statute,on members or contractors who may have contact with inmates or has in place a system for otherwise capturing such information (28 CFR 115.17

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903.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION

Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.61). Staff may also privately report sexual abuse and sexual harassment of inmates (e.g., report to the Jail Commander) (28 CFR 115.51).

The facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident, of sexual abuse or sexual harassment to a staff member (28 CFR 115.54).

Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously or from third parties and shall promptly document all verbal reports (28 CFR 115.51).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.61).

903.5.1 REPORTING TO OTHER FACILITIES

If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Jail Commander or the authorized designee shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Jail Commander or the authorized designee shall ensure that the notification has been documented (28 CFR 115.63).

903.6 RETALIATION

All inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for inmates or staff who fear retaliation shall be utilized (28 CFR 115.67).

The Jail Commander or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. The Jail Commander should take reasonable steps to limit the number of people with access to the names

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of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.67).

903.7 FIRST RESPONDERS

If an allegation of inmate sexual abuse is made, the first correctional officer to respond shall (28 CFR 115.64):

(a) Separate the parties.

(b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.82).

(c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).

(e) Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.

(f) Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation

If the first responder is not a correctional officer, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify a correctional officer.

Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).

903.8 SEXUAL ABUSE VICTIMS

Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR

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115.82). Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the inmate, and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Agency shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Agency, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 USC § 12511, to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used as long as it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.21).

903.9 EXAMINATION, TESTING AND TREATMENT

Examination, testing and treatment shall include the following:

(a) Forensic medical examinations shall be performed as evidentiarily or medically appropriate without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Agency shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21).

(b) If requested by the victim, a victim advocate, a qualified agency staff member or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information and referrals (28 CFR 115.21).

(c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.82).

(d) Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.

(e) Victims shall be offered information about, and given access to, emergency contraception prophylaxis for sexually transmitted infections and follow-up treatment for sexually transmitted diseases (28 CFR 115.82; 28 CFR 115.83). This shall be done in a timely manner.Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28CFR 115.83). This shall be done in a timely manner.

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(f) Victims of sexually abusive vaginal penetration shall be offered pregnancy tests. If pregnancy results, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28CFR 115.83). This shall be done in a timely manner.

(g) Victims shall be provided with follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody (28 CFR 115.83).

(h) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.83).

(i) The Responsible Physician or mental health staff shall obtain informed consent from inmates before reporting information to jail staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18 (28 CFR 115.81).

(j) Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform jail staff about security or management decisions (28 CFR 115.81).

903.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed agency-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.71).

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

The departure of the alleged abuser or victim from the employment or control of the Agency shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the Agency shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21(a) through (e). The referral shall be documented. The Agency shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71). If

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criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

If a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

903.10.1 INVESTIGATIVE FINDINGS

All completed written investigations shall be forwarded to the Criminal Investigation Division supervisors, who shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.71; 28CFR 115.72).

The staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.76).

903.10.2 REPORTING TO INMATES

A Criminal Investigation Division investigator shall inform a victim inmate in writing whether an allegation has been substantiated, unsubstantiated or unfounded. If the Agency did not conduct the investigation, the Agency shall request relevant information from the investigative agency in order to inform the inmate.

If a staff member is the accused (unless the Agency has determined that the allegation is unfounded), the inmate shall also be informed whenever:

(a) The staff member is no longer assigned to the inmate's unit or employed at the facility.

(b) The Agency learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

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If another inmate is the accused, the alleged victim shall be notified whenever the Agency learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility. All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.73).

903.11 SEXUAL ABUSE AND SEXUAL HARSSMENT BETWEEN STAFF AND INMATES

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship or sexual contact is not a defense to violating this policy.

Any incident involving allegations of staff-on-inmate sexual abuse or sexual harassment shall be referred to the Criminal Investigation Division for investigation.

903.11.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with inmates. He/she shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.77).

903.12 PROTECTIVE CUSTODY

Inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of available alternatives has been made and it has been determined that there is no reasonably available alternative means of separation. Inmates may be held in involuntary protective custody for less than 24 hours while an assessment is completed.

If an involuntary protective custody assignment is made because of a high risk for victimization, the Jail Commander or the authorized designee shall clearly document the basis for the concern for the inmate’s safety and the reasons why no alternative means of separation can be arranged (28 CFR 115.43).

The facility shall assign these inmates to involuntary protective custody only until an alternative means of separation from likely abusers can be arranged, not ordinarily in excess of 30 days.

Inmates placed in temporary protective custody shall continue to have reasonable access to programs, privileges, education and work opportunities. If restrictions are put in place, the Jail Commander or the authorized designee shall document the following:

(a) The opportunities that have been limited

(b) The duration of the limitation

(c) The reasons for such limitations

Every 30 days, the Jail Commander or the authorized designee shall afford each such inmate a review to determine whether there is a continuing need for protective custody (28 CFR 115.43).

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903.13 SEXUAL ABUSE INCIDENT REVIEW

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded (28 CFR 115.86). The review should occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials and seek input from line supervisors, investigators and qualified health care and/or mental health professionals, as appropriate:

(a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.

(d) Assess the adequacy of staffing levels in the area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

(f) Prepare a written report of the team's findings, including, but not limited to, determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Sheriff’s authorized designee and the PREA coordinator.

The Jail Commander or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

903.14 RECORDS

All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, shall be retained in accordance with confidentiality laws.

The Agency shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Agency, plus five years (28 CFR 115.71).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.89).

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Prison Rape Elimination Act Training

904.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

904.2 POLICY

The Milwaukee County Sheriff's Office endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers and contractors are aware of their responsibilities and that staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA.

904.3 SHERIFF'S OFFICE EMPLOYEE TRAINING

All Sheriff’s Office employees who may have contact with inmates shall receive agency-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Director or the authorized designee shall ensure that the employees receive training in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and inmates may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of sexual assault or abuse. The Training Director or the authorized designee shall be responsible for developing and administering this training, covering at minimum (28 CFR 115.31; 28 CFR 115.32):

(a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.

(b) The dynamics of sexual abuse and sexual harassment in confinement.

(c) The common reactions of sexual abuse and sexual harassment victims.

(d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the jail.

(e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.

(f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.

(g) An individual’s right to be free from sexual abuse and sexual harassment.

(h) The right of inmates to be free from retaliation for reporting sexual abuse and sexual harassment.

(i) How to detect and respond to signs of threatened and actual sexual abuse.

(j) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming inmates.

(k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

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(l) How to avoid inappropriate relationships with inmates.

Training shall be tailored according to the gender of the inmates at the facility. Employees should receive additional training on security measures and the separation of male and female populations in the same facility if the employees have been reassigned from a facility that houses only male or female inmates.

The Training Director or the authorized designee shall document, through signature or electronic verification, that employees have received and understand the training. The Training Academy will maintain training records on all those receiving training in accordance with procedures developed by the Training Director or the authorized designee.

The Training Director or the authorized designee shall ensure that employees undergo refresher training every other year that covers the agency's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.31).

904.4 VOLUNTEER AND CONTRACTOR TRAINING

The Volunteer Coordinator shall be responsible for providing applicable training to volunteers who have contact with inmates, to include at a minimum:

- The Agency's zero-tolerance policy regarding sexual abuse and sexual harassment; and
- How to report sexual abuse or sexual harassment incidents.

The Volunteer Coordinator shall keep all records of volunteer training applicable to this policy in accordance with the records retention schedule.

Training is not required for contractors who do not have inmate contact.

904.5 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all of the volunteer and contractor training listed above, as well as training that includes (28 CFR 115.35):

(a) Detecting and assessing signs of sexual abuse and sexual harassment.

(b) Preserving physical evidence of sexual abuse.

(c) Responding effectively and professionally to victims of sexual abuse and sexual harassment.

(d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

The PREA Coordinator shall maintain documentation that the facility’s health care and mental health professionals have received the training referenced above, either from this agency or elsewhere.

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904.6 SPECIALIZED INVESTIGATIVE TRAINING

Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing sexual abuse victims; proper use of and warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.21; 28 CFR 115.34).

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Patrol Booking Room Procedure

905.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidance to Milwaukee County Sheriff's Office staff on the use of the temporary holding facility located at the Patrol Division substation.

905.1.1 DEFINITIONS

Definitions related to the procedure include:

Secure perimeter - The area inside the Patrol Division substation that comprises the booking room and holding cells, accessible through electronic fob-controlled doors.

905.2 GENERAL SECURITY

Firearms and other weapons (e.g., baton, knife) are not permitted inside the temporary holding facility. Prior to moving inmates, deputies will secure these weapons in the locked boxes located outside the secure perimeter of the holding area. Agency-issued OC spray and electronic control devices will be permitted in the holding facility. A deputy shall maintain possession of the key used to lock his/her equipment at all times.

All prisoners shall be properly restrained with handcuffs while being escorted into the holding area.

All prisoners shall be searched immediately upon entering the temporary holding facility, preferably by a deputy of the same sex.

Metal beverage cans and all metal utensils, including but not limited to knives, spoons, forks are prohibited inside the secure perimeter of the temporary holding facility.

Prisoners shall not be restrained while in holding cells.

At least once per shift, the assigned shift sergeant will inspect holding cells and locking devices in the temporary holding facility to ensure equipment is in working order. Any deficiencies shall be documented and reported as soon as practicable.

905.3 KEY, CULINARY EQUIPMENT, AND TOOL CONTROL

Keys for holding cells will be kept in the key box in the sergeants' office. A deputy utilizing a holding cell will maintain the keys on his/her person at all times while he/she has a subject in temporary custody. An emergency set of spare keys will be maintained by the Administrative Lieutenant, and shall be available to shift supervisors.

Any culinary equipment (e.g., knife, fork, spoon) used in the temporary holding facility by any person shall be of a disposable plastic variety. No metal utensils shall be permitted in the temporary holding facility.

Tools of any variety will not be permitted in the temporary holding facility while any prisoner is present.

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A shift supervisor will inspect the entire temporary holding facility after any repair work is completed to ensure that all tools have been removed from the secure perimeter of the facility.

The only exception to this procedure is that a rescue hook will be maintained secured in a drawer at the deputy workstation.

905.4 SANITATION AND MAINTENANCE

All areas of the temporary holding facility will be cleaned and disinfected at least once daily by the contractor responsible for the substation. Whenever practicable holding cells shall be sanitized after each use.

All maintenance of computer equipment, cameras, and related hardware shall be performed by IMSD.

All maintenance of building infrastructure (e.g., plumbing, painting, electrical) shall be performed by the Director of Fleet Management or the authorized designee.

905.5 EMERGENCY MEDICAL TREATMENT

In the event of a medical emergency in the temporary holding facility, OEM 9-1-1 Communication Center shall be notified as soon as practicable by radio to contact Wauwatosa Fire Department (WUFD). WUFD should be provided as much information as possible about the situation to include:

- Nature of medical emergency
- Sex and age of the subject
- Current medical attention being provided

905.6 ESCAPES

In the event of an escape of a prisoner from the temporary holding facility, immediate action shall be taken to return the prisoner to custody. The following actions shall be taken:

- Immediate notification via radio to OEM 9-1-1 Communications Center, to include prisoner description, name, and any information that will facilitate apprehension
- Notification to supervisors, to include the shift supervisor
- Ensure preservation of any evidence related to the escape
- Obtain medical assistance for any injured staff member

905.7 EVACUATION PLANS

Temporary holding facility floorplans, to include locations of nearest exits, shall be posted and maintained in the temporary holding facility. In the event of an evacuation, staff shall take all necessary precautions to ensure the security of any subject in temporary custody.

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905.8 FIRE AND LIFE SAFETY

In the event of a fire event in the temporary holding facility, the first priority shall be the physical safety of all persons. Staff shall immediately evacuate to the nearest exit according to posted evacuation plans and notify OEM 9-1-1 Communications Center via radio. Restrained subjects in temporary custody will be assisted in the evacuation. Staff members shall perform a visual scan of each temporary holding cell to ensure they are empty prior to evacuation.

905.9 DISASTER PLAN

All staff shall be familiar with the Milwaukee County Department of Transportation Emergency Action Plan for the MCDOT building, located at 10320 W. Watertown Plank Rd., Wauwatosa, WI, which includes the Patrol Division substation.

The Administrative Lieutenant will ensure all staff receive a copy of the Emergency Action Plan upon assignment to the Patrol Division.

905.10 BUILDING AND SAFETY CODE COMPLIANCE

In accordance with Wis. Admin. Code § DOC 350.19(5), the temporary holding facility shall be inspected at least annually for code compliance by WUFD.

905.11 REQUIRED NOTIFICATIONS

The Divisional Commander shall ensure that notification is made to the Department of Corrections Regional Detention Facilities Specialist within 48 hours after any of the following events occur in the temporary holding facility:

- Death of a prisoner
- Prisoner attempts suicide and is hospitalized for a life-threatening injury as a result of that attempt
- Prisoner is injured while in custody and is hospitalized
- An escape or escape attempt
- Significant damage to the facility

905.12 RECEIVING DETAINEES FROM OUTSIDE LAW ENFORCEMENT AGENCIES

The Patrol Division substation temporary holding facility is designed as a short-term processing location for subjects arrested by this agency to be booked and released from custody.

The Patrol Division substation temporary holding facility shall only accept prisoners from an outside agency in the case of emergency. The approval of the shift supervisor is required prior to accepting any prisoners. At no time will a high-risk prisoner (e.g., suicidal, combative) be accepted at the temporary holding facility.

The Milwaukee County Jail shall remain the primary location for outside agencies to transfer prisoners.

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905.13 TEMPORARY STORAGE OF PRISONER PROPERTY

All items taken and inventoried from a prisoner at the Patrol Division substation temporary holding facility shall be placed in a bin, and put on a designated shelf located in the temporary holding facility.

905.14 JAIL LOG ENTRIES

The following items shall be logged for each prisoner held in the temporary holding facility:

- Name and other identifiers
- Date and time of custody at the temporary holding facility
- Holding location (e.g., in a cell, in open waiting area)
- Medical screening completed
- Property inventory completed
- Time and type of release (e.g., transfer to another facility, release to responsible party)

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Airport Holding Rooms Procedure

906.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidance to Milwaukee County Sheriff's Office staff on the use of the temporary holding rooms located at the Airport Division substation.

906.1.1 DEFINITIONS

Secure perimeter - The area inside the Airport Division substation that comprises the holding rooms, Roll Call, and Deputy workstation accessible through an authorized electronic SIDA badge.

906.2 GENERAL SECURITY

Firearms and other weapons (e.g., baton, knife) are permitted in the area surrounding the temporary holding room.

All prisoners shall be properly restrained with handcuffs while being escorted into the holding area.

All prisoners shall be searched immediately upon entering the temporary holding room, preferably by a deputy of the same sex.

Metal beverage cans and all metal utensils, including but not limited to knives, spoons, forks are prohibited inside the secure perimeter of the temporary holding room.

Prisoners shall not be restrained while in holding rooms.

At least once per shift, the assigned shift sergeant will inspect holding rooms and locking devices in the temporary holding rooms to ensure equipment is in working order. Any deficiencies shall be documented and reported as soon as practicable.

906.3 KEY, CULINARY EQUIPMENT, AND TOOL CONTROL

Keys for holding rooms will be kept in the key dispatch area of the Airport substation. A deputy utilizing a holding room will maintain the keys on his/her person at all times while he/she has a subject in temporary custody. An emergency set of spare keys will be maintained by the Airport Lieutenant and shall be available to shift supervisors.

Any culinary equipment (e.g., knife, fork, spoon) used in the temporary holding area by any person shall be of a disposable plastic variety. No metal utensils shall be permitted in the temporary holding rooms.

Tools of any variety will not be permitted in the temporary holding rooms while any prisoner is present.

A shift supervisor will inspect the entire temporary holding area after any repair work is completed to ensure that all tools have been removed from the secure perimeter of the facility.

The only exception to this procedure is that a rescue hook will be maintained secured in a drawer at the deputy workstation.

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906.4 SANITATION AND MAINTENANCE

All areas of the temporary holding facility will be cleaned and disinfected at least once daily by the contractor responsible for the substation. Whenever practicable holding rooms shall be sanitized after each use.

All maintenance of computer equipment, cameras, and related hardware shall be performed by IMSD.

All maintenance of building infrastructure (e.g., plumbing, painting, electrical) shall be performed by Airport Operations or the authorized designee.

906.5 EMERGENCY MEDICAL TREATMENT

In the event of a medical emergency in the temporary holding facility, OEM 9-1-1 Communication Center and Airport Operations shall be notified as soon as practicable by radio to contact Airport Fire and Rescue (ARFF). ARFF should be provided as much information as possible about the situation to include:

- Nature of medical emergency
- Sex and age of the subject
- Current medical attention being provided

906.6 ESCAPES

In the event of an escape of a prisoner from the temporary holding facility, immediate action shall be taken to return the prisoner to custody. The following actions shall be taken:

- Immediate notification via radio to OEM 9-1-1 Communications Center and Airport Operations, to include prisoner description, name, and any information that will facilitate apprehension
- Notification to supervisors, to include the shift supervisor
- Ensure preservation of any evidence related to the escape
- Obtain medical assistance for any injured staff member

906.7 EVACUATION PLANS

Temporary holding area floor plans, to include locations of nearest exits, shall be posted and maintained in the temporary holding area. In the event of an evacuation, staff shall take all necessary precautions to ensure the security of any subject in temporary custody.

906.8 FIRE AND LIFE SAFETY

In the event of a fire event in the temporary holding facility, the first priority shall be the physical safety of all persons. Staff shall immediately evacuate to the nearest exit according to posted evacuation plans and notify OEM 9-1-1 Communications Center via radio. Restrained subjects in

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temporary custody will be assisted in the evacuation. Staff members shall perform a visual scan of each temporary holding room to ensure they are empty prior to evacuation.

906.9 DISASTER PLAN

All staff shall be familiar with the Milwaukee Mitchell International Airport disaster / evacuation plan, located at 5300 S. Howell Ave., Milwaukee, WI, 53207 which includes the Airport Division substation.

The Sergeant and / or Lieutenant will ensure all staff receive a copy of the Emergency Action Plan upon assignment to the Airport Division.

906.10 BUILDING AND SAFETY CODE COMPLIANCE

In accordance with Wis. Admin. Code § DOC 349.10(4), the lockup administrator shall arrange for a fire inspection by the local fire department at least once every 6 months. Documentation of fire inspections shall be included in facility files.

906.11 REQUIRED NOTIFICATIONS

The Divisional Commander shall ensure that notification is made to the Department of Corrections Regional Detention Facilities Specialist within 48 hours after any of the following events occur in the temporary holding facility:

- Death of a prisoner
- Prisoner attempts suicide and is hospitalized for a life-threatening injury as a result of that attempt
- Prisoner is injured while in custody and is hospitalized
- An escape or escape attempt
- Significant damage to the facility

906.12 RECEIVING DETAINEES FROM OUTSIDE LAW ENFORCEMENT AGENCIES

The Airport Division substation temporary holding facility is designed as a short-term processing location for subjects arrested by this agency to be booked and released from custody.

The Airport Division substation temporary holding facility shall only accept prisoners from an outside agency in the case of emergency. The approval of the shift supervisor is required prior to accepting any prisoners. At no time will a high-risk prisoner (e.g., suicidal, combative) be accepted at the temporary holding facility.

The Milwaukee County Jail shall remain the primary location for outside agencies to transfer prisoners.

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906.13 TEMPORARY STORAGE OF PRISONER PROPERTY

All items taken and inventoried from a prisoner at the Airport Division substation temporary holding room shall be placed in a property bag and put on a designated shelf located in the temporary holding room area.

906.14 HOLDING ROOM LOG ENTRIES

The following items shall be logged for each prisoner held in the temporary holding facility:

- Name and other identifiers
- Date and time of custody at the temporary holding facility
- Holding location (e.g., in a cell, in open waiting area)
- Medical screening completed
- Property inventory completed
- Time and type of release (e.g., transfer to another facility, release to responsible party)

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Hospital Run/Watch Procedures

907.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies and correctional officers guidelines when escorting an inmate to the hospital.

See the Use of Restraints and Handcuffing and Restraints policies for further guidance.

907.2 PROCEDURE

907.2.1 INITIATING A HOSPITAL RUN

As soon as a deputy or correctional officer is notified by the Operations Lieutenant or Master Control that he/she is assigned to a hospital run the following should take place:

- Secure necessary equipment (e.g., put on body armor, secure gun locker key) and report to the G-Level in a timely manner.
- Locate a hospital kit, and ensure it contains the proper equipment(e.g., handcuffs, belly chain, leg shackles, a logbook, extra radio battery, battery charger, a backstrap).
    - If the inmate being escorted is on discipline or has a history of disruptive activity, a deputy or correctional officer should bring along extra handcuffs and leg shackles to secure the inmate in four-point restraints if it becomes necessary.
- If the inmate is on a special status (e.g. suicide watch, food monitor), the necessary paperwork should be brought along as well. A health care professional will provide an envelope with medical information that will need to be turned over to hospital staff upon arrival.
- One of the deputies or correctional officers assigned to the run should report to Jail Records and retrieve vehicle keys and the hospital run packet (e.g., picture, criminal history, current charges).
- At least one of the deputies or correctional officers assigned to the run should be present when the inmate is secured in belly chains and leg shackles. Preferably the escorting deputies or correctional officers will be the ones securing the inmate. Refer to the Use of Restraints Policy for additional guidance.
- An inmate shall be escorted by a deputy or correctional officer at all times, including to the sallyport.

907.2.2 HOSPITAL RUN TRANSPORTATION

Once the inmate is secured in the transport vehicle, whether squad or ambulance, the following should be adhered to:

- If transporting by squad, one deputy or correctional officer will drive the vehicle and the other is responsible for watching the inmate and ensuring his/her safety.
- If transporting by ambulance, one deputy or correctional officer will ride to the hospital in the back of the ambulance with the inmate to ensure the safety and security of the inmate, and the safety of the ambulance crew.

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- When exiting the Criminal Justice Facility, one deputy or correctional officer will notify Master Control by radio and the other will notify OEM 911 Communications Center by radio that they are on their way to their destination.

907.2.3 FACILITY ESCORTS

When the escorting deputies or correctional officers and the inmate arrive at the destination (e.g., hospital, dialysis clinic, surgical center), the following steps shall be taken:

- Notify Master Control and OEM 911 Communications Center of arrival at the destination.
- The inmate will be escorted to the assigned room by both deputies or correctional officers.
- Master Control, Jail Operations, and OEM 911 Communications Center should all be contacted by phone and provided the room number that the inmate is in and the phone number to contact the deputies or correctional officers.
- Both deputies or correctional officers should remain present with the inmate, except for necessary short breaks (e.g., restroom break, equipment retrieval). Both deputies or correctional officers shall be present any time the inmate is moved throughout the facility. At no time should an inmate be out of the sight of the escorting deputies or correctional officers.

907.2.4 HOSPITAL RESTRAINTS

Inmates in the hospital, who are not pregnant, will be restrained with one wrist handcuffed to the side rail of the bed and one ankle cuffed in a leg shackle attached to the side rail of the bed. If the inmate is combative in nature, disrupting treatment, or displaying aggressive or assaultive behavior, it may become necessary to use four points of contact to secure the inmate. The justification for this should be documented in the logbook, and a supervisor shall be notified.

If the inmate needs to move out of the hospital bed the following steps should be followed, absent an emergency:

1. Prior to removing the ankle cuffed in the leg shackle to the side rail, apply a second leg shackle to both ankles, then release the ankle from the side rail leg shackle.
2. The unsecured hand is placed in a belly chain cuff. The hand secured to the bed rail is then removed from that cuff and placed in the belly chain cuff. All cuffs are double locked.

In the event the health care provider requests restraints be adjusted or removed in order to provide medical treatment the following shall be done:

- Restraints may be temporarily adjusted to allow the health care provider to provide the requested care.
- Restraints may be fully removed if needed to provide the requested level of care. In the event this is requested, a second deputy shall respond to assist in security. Once the care is completed, restraints shall be reapplied.

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- If the deputy or correctional officer believes the requested removal of restraints may cause serious security risks, the deputy shall contact their immediate supervisor to brief them on the request.
- The deputy or correctional officer shall make a log entry of the requested adjustment/ removal of restraints as well as when they are reapplied.

907.2.5 INITIATING A HOSPITAL WATCH

When the escorting deputies or correctional officers have been notified that an inmate has been admitted and he/she has been escorted to a permanent room, the hospital run becomes a hospital watch. To initiate a hospital watch, the following steps shall be adhered to:

- Notify the Jail Operations for appropriate sworn relief.
- Start a logbook to document the hospital watch. This should contain the following:
  - Inmate's information (e.g., name, date of birth, sex, race, booking number).
  - Correctional officers or deputy on duty.
  - Squad number assigned by OEM 911 Communications Center for the watch.
  - Current room assignment for the inmate.
  - The method used to secure the inmate to the bed by two points of contact (i.e., left ankle and right wrist, right ankle and left wrist).
  - Any interactions the inmate has with hospital staff (e.g., nurses in and out of the room, doctors in and out of the room, taken for x-rays).
- A deputy will be sent to relieve the escorting correctional officers. Until a deputy arrives, the correctional officers are to maintain the logs and perform the necessary duties of the hospital watch.
- Any time the inmate's room assignment changes, OEM 911 Communications Center and Jail Operations must be notified as soon as practicable.
- It is the responsibility of the correctional officers or deputy to check-in with OEM 911 Communications Center every 30 minutes. This can be done by radio, using the code 10-49, or over the phone. These checks should be documented in the logbook as well.
- Each hospital watch is inspected by a supervisor once per shift. Be prepared to debrief the supervisor upon arrival and provide any pertinent information.
- If it becomes necessary for the inmate to move through the facility for a procedure or treatment, notify OEM 911 Communications Center of the new location, and notify OEM 911 Communications Center when upon return to the inmate's assigned room.

907.2.6 INMATE DISCHARGE

When an inmate is discharged from the facility, the following should take place:

- If a deputy is assigned to the hospital watch, the deputy will contact Jail Operations, and deputies or correctional officers will be sent to pick up the inmate and transport him/her back to the Jail.

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- If correctional officers are staffing the hospital watch, one of the correctional officers will retrieve the vehicle and bring it to the sallyport or ambulance bay of the facility. The other correctional officer will ensure that the inmate remains secure, and is secured properly in belly chains and leg shackles.
- Once the inmate is secured in the vehicle, a deputy or correctional officer shall notify OEM 911 Communications Center and Master Control by radio of their destination.
- Notify OEM 911 Communications Center and Master Control by radio upon arrival at the destination.

907.2.7 APPROVED VISITS

The Jail Commander or designee may approve visits for hospital watches for inmates who are receiving critical care. These visits will be restricted to immediate family members (e.g. spouse, parents, siblings) unless otherwise approved by the Jail Commander or designee. Hospital visiting rules will be observed and the following will also apply:

- All visitors must present photo identification
- Only 2 visitors will be allowed to visit at one time
- At least two deputies will be assigned to supervise any visits and security needs
- The hospital watch deputies will record the times and names of visitors in the log

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Milwaukee County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Milwaukee County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Sheriff's Administration should employ a comprehensive recruitment strategy to recruit employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

The Sheriff's Administration shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ

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a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and should include review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(f) Local, state, and federal criminal history record checks

(g) Medical examination (may only be given after a conditional offer of employment)

(h) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE
The Agency will provide veteran preference points as required (Wis. Stat. § 63.08(1)).

1000.5 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Milwaukee County Sheriff's Office (Wis. Admin. Code § LES 2.01).

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file.

1000.5.3 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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1000.5.4 CANDIDATE WAIVERS

Deputy candidates are required to complete a waiver authorizing the disclosure of previous personnel files. The assigned background investigator shall submit the waiver to every government agency that has employed the candidate and request the personnel file information. The waiver should be submitted to the prior employing agency at least 30 days before a hiring decision is made. No hiring decision should be made without reviewing the information (Wis. Stat. § 165.85).

1000.6 CANDIDATE CONSIDERATION GUIDELINES

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Wis. Stat. § 165.85; Wis. Admin. Code § LES 2.01 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by Wisconsin law, including those provided in Wis. Stat. § 165.85, Wis. Admin. Code § LES 2.01, and Wis. Admin. Code § LES 2.02:

- Possess a valid Wisconsin driver's license
- Be free of any felony convictions, misdemeanor crime of domestic violence, or of any offense that if committed in Wisconsin could be punished as a felony unless an absolute and unconditional pardon has been granted
- Be at least 18 years of age
- Be a citizen of the United States (Wis. Stat. § 66.0501(1))
- Submit to a local, state, and national fingerprint check
- Possess good moral character as determined by a thorough background investigation (Wis. Stat. § 165.85)
- Possess a high school diploma or GED equivalent
- Possess a two-year associate degree or a minimum of 60 fully accredited college level credits. Candidates who have not met this standard at the time of initial employment must meet the standard by the end of their fifth year of employment.
- Be free from any physical, emotional, or mental condition that might adversely affect the performance as a deputy

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- Undergo a physical assessment by a licensed physician, physician assistant, or nurse practitioner to verify the candidate can meet the required physical standards
- Complete a satisfactory oral interview
- Submit to a drug test upon hire

The Milwaukee County Sheriff's Office may establish additional standards for selection of a candidate for the position of deputy (Wis. Stat. § 165.85(4)).

1000.8 PROBATIONARY PERIODS

The Sheriff's Administration should coordinate with the Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The agency’s employee performance evaluation system is designed to record work performance for both the Agency and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Milwaukee County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases for applicable employees, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Agency evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Those members of a collective bargaining unit are exempt from receiving performance evaluations.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by an employee's designated supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the designated supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of any new assignment. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified of such performance as soon as possible in order to have an opportunity to remediate the issues.

Employees who disagree with his/her evaluation and who desire to make a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1001.4 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed approximately half-way through the probationary period for all full-time civilian personnel. Probationary sworn personnel are evaluated daily, weekly and monthly during the field training period.

1001.5 FULL-TIME REGULAR STATUS PERSONNEL

An employee performance evaluation shall be completed once each calendar year by the employee's designated supervisor.

1001.5.1 RATINGS

The definition of each rating is described in the Milwaukee County Department of Human Resources Performance Rating Scale.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. If needed, additional pages should be attached. Any rating other than "3" shall be substantiated in the comments section.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1001.6.1 EMPLOYEE SIGNATURE

At the completion of the evaluation interview, if the employee declines to sign the evaluation, the reviewing supervisor should write the words “refused to sign” on the employee signature line.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Divisional Commander. The Divisional Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Divisional Commander shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

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1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to Milwaukee County Department of Human Resources.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Milwaukee County Sheriff's Office.

1002.2 POLICY

The Milwaukee County Sheriff's Office determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff or the authorized designee.

1002.3 SPECIAL ASSIGNMENT POSTIONS

The following positions are considered special assignments and not promotions:

(a) Special Weapons and Tactics member

(b) Bomb Squad

(c) Mobile Response Team

(d) Negotiator

(e) Motorcycle deputy

(f) Bicycle patrol deputy

(g) Canine handler

(h) Crash reconstructionist

(i) Field Training Officer

(j) Honor Guard

(k) Boat patrol

(l) UAS operator

(m) Peer Support mentor

1002.3.1 GENERAL REQUIREMENTS

Each specialty unit commander shall determine the appropriate selection criteria.

1002.3.2 EVALUATION CRITERIA

The following criteria should be used in evaluating candidates for a special assignment:

(a) Has excellent character and professional integrity.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates sound judgment and decision-making.

(e) Any other quality deemed necessary for the performance of the assignment.

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1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Department of Human Resources.

1002.5 MANAGEMENT OF PROMOTIONAL PROCESS

The Department of Human Resources should manage and review all internal agency promotional processes (Civil Service Rule Ch. VI).

All Temporary Appointments to Higher Classification (TAHC) employees must have a written review of their performance on a monthly basis. Employees will be evaluated on job competencies and performance.

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Employee Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for receiving and resolving grievances. This policy applies to all sworn and non-sworn staff.

1003.2 POLICY

It is the policy of this agency to promote a process where employees feel free to bring forth grievances without fear of discrimination or retaliation. All grievances will be accepted and handled fairly. Equal consideration should be given to all grievances, regardless of whether there is a perceived basis for the grievance. It is the goal of the Agency to promote open communication between members and supervisors.

At no time will punitive or retaliatory action be taken against a member for exercising his/her rights during, after or in relation to the grievance procedure.

1003.3 PROCEDURE

All non-represented employees should follow the procedure set forth in Milwaukee County General Ordinance 17.207. All represented employees should follow the procedure set forth in the applicable agreement between Milwaukee County and the Milwaukee Deputy Sheriff's Association.

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Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Milwaukee County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff, or a Human Resources business partner.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions. Any report of a violation of this policy should be forwarded to the Professional Standards Division for further investigation.

1004.6 WHISTLE-BLOWING

State law protects a law enforcement officer who witnesses and reports or intervenes to stop any unlawful use of force by another law enforcement officer (Wis Stat. § 175.44). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Division for investigation pursuant to the Personnel Complaints Policy.

1004.7 RECORDS RETENTION AND RELEASE

The Professional Standards Division shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.8 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Agency of any past and current criminal convictions.

The Training Academy Director or the authorized designee shall submit in a timely manner a notice to the Wisconsin Department of Justice Training Standards Bureau (WisDOJ TSB) of any appointment, termination, reinstatement, name change or status change regarding any peace officer employed by this agency (Wis. Admin. Code § LES 2.01).

The Training Academy Director or the authorized designee shall submit in a timely manner a notice to WisDOJ TSB of a felony conviction or any lawful reason that disqualifies any current peace officer employed by this agency or any former peace officer if this agency was responsible for the investigation (Wis. Admin. Code § LES 6.02).

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Wisconsin and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Wis. Stat. § 813.12).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Wisconsin (Wis. Admin. Code § LES 2.01).

Convictions of certain motor vehicle law violations and other provisions of motor vehicle law may also place restrictions on an employee’s ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this agency may prohibit him/her from carrying out law enforcement duties.

1005.4 REPORTING PROCEDURE

All members of this agency shall promptly notify their immediate supervisor in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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All members shall further promptly notify their immediate supervisor in writing if the member becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be placed on administrative leave, reassigned, and/or subject to discipline up to and including termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

A deputy may be exempt from surrender of a firearm that he/she is required, as a condition of employment, to possess whether on- or off-duty if the peace officer is currently the subject of a domestic abuse restraining order or injunction (Wis. Stat. § 813.12(4m)(ag)). As such, members shall promptly notify the Agency if they become the subject of any domestic abuse restraining order or injunction.

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace by supplementing the existing Milwaukee County Substance Abuse Procedure.

1006.2 POLICY

It is the policy of this agency to provide a drug- and alcohol-free workplace for all members.

1006.3 ADDITIONAL GUIDELINES

1006.3.1 ABSOLUTE SOBRIETY ON DUTY

No employee shall report for duty or remain on duty while having an alcohol concentration greater than 0.00% BAC (blood-alcohol concentration).

1006.4 MEMBER RESPONSIBILITIES

Members who are authorized to consume alcohol as part of a special assignment, with the written consent of the Sheriff or his/her designee, shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace immediately after such conviction (41 USC § 8103).

1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Agency.

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1006.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Agency while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

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The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the Milwaukee County Employee Handbook, applicable collective bargaining agreement, and Milwaukee County General Ordinance 17.18.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and Wisconsin Family and Medical Leave Act (Wis. Stat. § 103.10); or for bone marrow and organ donation leave (Wis. Stat. § 103.11).

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Incident - Time off, not covered by the Family and Medical Leave Law, or excused absence which involves the use of sick or absent hours, or one continuous period of time, including consecutive work days regardless of whether a physician's excuse has been provided**.**

Sick leave - Sick leave shall include paid absence from duty because of personal illness; bodily injury not covered by worker's compensation; exposure to contagious disease; and serious illness in the immediate family of the employee and other causes as defined in Milwaukee County General Ordinance 17.18, state and federal Family and Medical Leave Law, and Milwaukee County Civil Service Rule VIII, Section 3(1).

Work Day - any hours that the employee is required to be present whether straight time or overtime.

1007.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, up to and including termination, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Employees shall be allowed to use three hours of sick time including travel between the employee's work site and the place of his/her appointment for scheduled doctor or dental appointments

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for him/herself or for his/her minor children during work hours. Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so. When not reasonable to do so, appointments are to be scheduled at the beginning or near the end of the employee's shift so as to minimize the disruption during the workday. In order to be excused for this type of leave, the employee must present to his/her supervisor a written notice from the practitioner treating the employee stating the date and time of the employee's appointment (Milwaukee County General Ordinance 17.18(5)). A copy of the appointment notice is to be attached to the employee's time sheet.

1007.3.1 NOTIFICATION

All members should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Agency with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for.

1007.4 EXTENDED ABSENCE

1007.4.1 PHYSICIAN'S EXCUSE

An employee who is absent more than three consecutive work days must furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work within five days of the first date of absence to his/her supervisor and Human Resources prior to returning to work. The statement should be on the physician’s letterhead and should include:

- A statement that the physician understands the nature of the employee’s duties and that the employee is incapable of performing the duties and responsibilities of his/her position; and
- A statement of anticipated duration of absence or the expected date the employee may return to work.
    - If the duration is unknown, the letter should indicate when the employee will be seeing a physician again and an updated letter would be required after that visit.

A health care provider’s statement documents an absence only for the dates specified in the letter. If an absence is longer than the dates given, another statement is necessary.

If the employee does not furnish this excuse as noted above, the employee will not be allowed to record sick pay for his/her absences and the absence will be recorded as absent without pay. If the certificate is not received within five days of the initial date of absence, the employee will be referred to the Professional Standards Division for possible disciplinary action, up to and including discharge for failing to furnish the required statement.

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1007.4.2 PHYSICIAN'S CERTIFICATE

The Inspector and/or the authorized designee reserve the right to place an employee on Physician's Certificate when determined necessary or due to a pattern of absense. An employee on Physician's Certificate must bring in a physician's excuse prior to the end of the pay period for any sick leave absence in which the employee claims illness for one day or more. A pattern of absence occurs with a common factor (e.g., day of the week, off days, weekend, pay day, absences when a vacation or any accrued time has been denied, absences the day before and/or after a scheduled vacation or holiday, a pattern of being absent for a period of three days).

Failure to furnish this physician's certificate will result in the employee being docked for this time and disciplinary actions up to and including discharge may be taken. An employee having no incidents within six months will be taken off of Physician's Certificate.

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Notifying the employee that his/her absence may qualify for FMLA and that he/she should inquire further with FMLASource and the Department of Human Resources as appropriate.

(c) Addressing all non-FMLA approved absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected agency operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1007.6 ACTIONS UPON INCIDENTS FOR SWORN PERSONNEL AND NON-JAIL CIVILIAN STAFF

Time approved under the FMLA will not be considered for disciplinary purposes. Time approved, up to 5 consecutive days (including paid and unpaid days), for an employee's COVID-positive PCR test will not be considered for disciplinary purposes.

The following actions will be taken with any Milwaukee County Sheriff's Office sworn and non-jail employee who is absent within a one-year time frame (a year is defined as a calendar year; January through December):

- 1st through 3rd absence: Absence recorded by supervisor.
- 4th absence: Noted on Employee Activity Documentation record.

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- 5th and subsequent absence: Refer documentation to the Professional Standards Division for appropriate disposition.

If an employee is having a problem that is causing him/her to be absent, the employee should contact the Employee Assistance Program (1-800-622-7276). This program is designed to assist employees and families in resolving personal problems. All interviews are confidential.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Milwaukee County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE PREVENTION AND MITIGATION

1008.3.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or agency vehicles, as applicable.

(b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

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(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.3.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

1008.4 POST EXPOSURE

1008.4.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.4.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the CARE hotline is contacted and the appropriate information is collected to complete the First Notice of Claim form (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Safety and Health Program policies).

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1008.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.4.4 COUNSELING
The Agency shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

1008.4.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. It is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Testing the previously drawn blood of the source individual as authorized by Wis. Stat. § 252.15(5g).

1. A court order may be obtained if the requirements of Wis. Stat. 252.15 are not satisfied (Wis. Stat. 252.15(5j)).

(c) Requesting testing through a local health officer or the Department of Health Services (Wis. Stat. 252.02; Wis. Admin. Code § DHS 145.06 et seq.).

The on-duty supervisor should seek the consent of the individual for testing and consult the Milwaukee County Corporation Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.5 EXPOSURE PREVENTION AND MITIGATION FOR INMATES

1008.5.1 SUSPECTED EXPOSURE OF AN INMATE
Members who become aware that an inmate may have been exposed should, as soon as practicable:

(a) Take steps to reduce exposure to other inmates.

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(b) Use precautions related to exposure prevention as applicable to the situation (gloves, face masks).

(c) Contact medical personnel to care for the inmate as needed, and obtain recommendations regarding isolation or quarantine of the inmate.

(d) Notify the appropriate supervisor.

1008.5.2 SUPERVISOR RESPONSE AND REPORTING REQUIREMENTS
The responding supervisor shall investigate every exposure or suspected exposure of an inmate as soon as possible following the incident. The supervisor shall ensure the inmate receives appropriate medical assistance and that steps are taken to protect other inmates.

All incidents involving a suspected exposure shall be thoroughly documented.

1008.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT
Any exposed inmate shall have the opportunity to have a medical evaluation immediately after an exposure and follow-up evaluations as necessary.

1008.5.4 INMATES WITH AIDS AND HIV
Certain actions are prohibited with respect to an individual who has AIDS or has tested positive for HIV. They include (Wis. Stat. § 252.14):

(a) Refusing to treat the individual when it is within the member’s scope of licensure or certification as the health care provider.

(b) Refusing to provide equivalent services to the inmate.

(c) Providing care to the inmate at a standard that is lower than that provided to other inmates with like medical needs.

(d) Isolating the individual unless it is medically necessary.

(e) Subjecting the inmate to humiliating, degrading or abusive treatment.

If an inmate declines an HIV test, a qualified health care professional may not use the fact that the person declined as a basis for denying other services or treatment to the person (Wis. Stat. § 252.14).

1008.5.5 INMATE CONFIDENTIALITY
Any information regarding inmates and possible communicable diseases shall be considered confidential medical records (see the Management of Health Records Policy).

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

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1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Milwaukee County Sheriff's Office facilities or vehicles.

1009.1.1 DEFINITIONS

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Milwaukee County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Milwaukee County Sheriff's Office to prohibit the use of tobacco by employees while in public view and on-duty or at any time the employee is acting in an official capacity for the Agency.

1009.3 EMPLOYEE USE

Smoking and tobacco use by Sheriff's Office employees is prohibited any time employees are in public view representing the Agency.

Smoking and the use of other tobacco products is not permitted inside any county facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside county facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person may smoke in a correctional facility (Wis. Stat. § 101.123(2)).

No person may be in control of any lit tobacco products or smoke within 30 feet of any entrance or exit, any enclosed facility on any premises or in any vehicle owned by or leased to the County (MCGO Chapter 64).

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Milwaukee County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Milwaukee County Sheriff's Office takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws; municipal and county rules; and the requirements of any collective bargaining or employment agreements.

It is also the policy of this agency to ensure that the community can report misconduct without concern for reprisal or retaliation.

Professional Standards Division staff, in conjunction with the Chief Legal and Compliance Officer, are the direct representative of the Sheriff.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate agency policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Agency.

All citizen/inmate complaints received by the Professional Standards Division, against any member of the Milwaukee County Sheriff’s Office, will be reviewed and entered into the Citizen Complaint Database. A preliminary inquiry into the allegation will be conducted. At the conclusion of this inquiry, all information will be reviewed to determine if an internal investigation is warranted. No investigation against agency members shall be started without the prior approval of the Sheriff or his/her designee.

1010.4 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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1010.4.1 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Responding to all complaints in a courteous and professional manner.

(b) Resolving those personnel complaints that can be resolved immediately.

(c) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander is notified via the chain of command as soon as practicable.

(d) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or if additional investigation is appropriate.

1010.4.2 INTERVIEWS

All information, facts, documents and records accumulated during investigations shall remain confidential. Under no circumstances are copies to be generated without prior approval of the Sheriff or his/her designee, or through approved open records request. If a member is under investigation and is interviewed for any reason, the result of which could lead to disciplinary action, demotion, or dismissal, the following shall be complied with:

(a) The member shall be informed that he/she is the subject of the investigation and the nature of the investigation prior to the interview. The member shall be informed verbally and by being shown a copy of the Administrative Rights Form and the Notice of Investigation form. They shall be advised that:

1. The purpose of the interview is to solicit responses that will assist in determining whether disciplinary action is warranted, and the answers furnished may be used in disciplinary proceedings that could result in administrative action being taken, including dismissal.

2. All questions relating to the performance of official duties must be answered fully and truthfully, and disciplinary action, including dismissal, may be undertaken if there is a refusal to answer fully and truthfully.

3. No answers given nor any information gained by reason of such statements may, as a matter of constitutional law, be admissible against them in criminal proceedings.(Garrity v. New Jersey 385.US 493 167).

4. At the member’s request, they may be represented by a representative of their choice with whom they may consult with at all reasonable times during the interview.

(b) Members are to cooperate with the investigation.

(c) Interviews shall be conducted at a reasonable hour, preferable when the member is on duty, unless the seriousness of the investigation requires otherwise. If the

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interview occurs during off duty hours, the member shall be compensated in accordance with his /her respective labor agreement.

(d) The interview shall last for a reasonable period, taking into confederation the seriousness of the issues being investigated.

(e) Professional Standards Division personnel may record interviews.

(f) No member may be compelled ot submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Wis. Stat. § 111.37).

(g) A member shall not be disciplined, retaliated against or threatened with retaliation for exercising his/her rights as described in this policy (Wis. Stat §164.03)

1010.4.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve agency members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Reviewed/Closed - No action warranted other than that directed by the Sheriff or his/her designee in closing the file. The following extensions to “Reviewed/Closed” may be imposed:

- Reviewed/Closed; HAL: Handle at Administrative level
- Reviewed/Closed; HBL: Handle at Bureau level
- Reviewed/Closed; NFA: No further action

1010.4.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation, absent mitigating factors i.e. criminal investigations which may affect the investigative completion time.

1010.5 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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1010.6 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any agency badge, identification, assigned weapons and any other agency equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, during the investigation, either from within the Agency or an outside agency.The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

(d) May have their duties as a Deputy Temporarily suspended until the investigation is completed.

(e) Will be issued an equipment receipt and a copy of the "Suspension of Powers" form if applicable.

(f) If applicable, the employee's badge and firearm will be retained by the Professional Standards Division.

(g) The member will not exercise any power of arrest or any other police powers bestowed upon them by the Agency.

1010.7 POST- ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff or his/her designee through the chain of command. The Sheriff or his/her designee may accept or modify any disposition or recommendation for disciplinary action.

1010.7.1 CASE REVIEW

If case has been sustained, the member under investigation will have the opportunity to view the complete investigative file in the Professional Standards Division. Attendance at the case review meeting is optional, therefore employees will not be compensated. The file will be made available to the member during normal business hours of the Professional Standards Division.

If a member chooses to view the case file or have a representative view the case file on their behalf, they must contact Professional Standards no later than the date listed on the Case Review Notification form to schedule an appointment. Failure to contact Professional Standards by the date indicated on the form will constitute a waiver to view the file.

A supervisor from the member’s assigned division will serve the form. The Notice of Service form will be signed by the member receiving the document and by the supervisor serving said document. That Notice of Service will be returned to the Professional Standards Division by the supervisor promptly upon the completion of service.

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At the time of the review, the member may advise the Professional Standards staff of any issues that they have with the content of the investigative file and will have the opportunity to put their concerns regarding the investigation in writing. Those writings will become part of the case file. Members may not disclose, remove, distribute, reproduce, or alter the investigative file in any way. Failure to adhere to these case review guidelines may result in additional disciplinary action.

1010.8 DISCIPLINARY REVIEW

For cases with a sustained finding, members may be scheduled for a disciplinary review to determine the amount of discipline, if any, that should be imposed.

The Sheriff or his/her designee may conduct disciplinary reviews.

In the event of a scheduled disciplinary review, the subject will be notified of the hearing at least 48 hours prior to the hearing date and time. A copy of the review notice may be forwarded to the member’s respective union office.

Appearance by the subject/employee is at the discretion of the Sheriff or his/her designee.

The Professional Standards Division staff will advise the member of any disciplinary action, which shall occur based on the internal investigation. A written notice will be sent to the subject.

An action may include, but is not limited to:

- Employee Activity Documentation
- Written Reprimand
- Suspension
- Demotion
- Termination
- Additional Training
- Or any combination of the above

1010.9 RETENTION OF RECORDS

The following files shall be under the control and maintenance of the Professional Standards Division:

(a) All Professional Standards Division investigations and case files

(b) All Fitness for Duty investigations and case files

(c) All agency background investigations, whether hired or not

(d) Agency photographs of personnel

(e) Corporation Counsel opinions

(f) Suspension of Powers of Arrest forms and Equipment Tracking forms

(g) All Citizen Complaint forms

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(h) All information relative to lawsuits against the agency or its personnel

1010.10 CORPORATION COUNSEL

The Professional Standards Division is to be the primary liaison with Corporation Counsel in matters of litigation claims, legal opinions, and general counsel pertaining to the Office of the Sheriff.

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Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in agency vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and Wis. Stat. § 347.48.

1011.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Agency, are properly restrained (Wis. Stat. § 347.48(2m)).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the agency member or the public. Members must be prepared to justify any deviation from this requirement (Wis. Stat. § 347.48(2m)(dm)).

1011.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Wis. Stat. § 347.48(4)(am)).

To obtain a child restraint seat, a deputy should:

- Contact OEM 911 Communications.
- Request another squad transport a child restraint seat to his/her location.
    - Child restraint seats are located at the Police Services Bureau Substation and the Airport Security Division.
- Notify the on-duty supervisor of the conveyance.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles

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provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

When the physical or medical needs of a child at least 4 years old make restraint by seat belt unreasonable, the child may be transported in an authorized emergency vehicle when the vehicle is being operated in the performance of official duties (Wis. Admin. Code § Trans 315.03(2)).

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any agency vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SEAT BELTS

Agency vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Agency vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide deputies and correctional officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to maximize deputy and correctional officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Training Academy Director shall ensure that body armor is issued to all deputies and correctional weapon officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice (NIJ 0101.06).

Body armor shall be issued when a deputy begins service at the Milwaukee County Sheriff's Office and shall be replaced when the body armor expires or is so severely damaged that the functionality has been compromised. Body armor shall be issued when a correctional officer is assigned as a correctional weapons officer.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies and correctional weapon officers shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused by the Sheriff or the authorized designee from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform

(e) Deputies and correctional weapons officer shall wear body armor when taking part in agency range training.

(f) Correctional weapons officers shall wear body armor anytime they are armed with a firearm.

(g) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that the Sheriff or the authorized designee determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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1012.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn in accordance with this policy through routine observation. Annual inspections of body armor should be conducted by each assigned deputy or correctional weapons officer for fit, cleanliness and signs of damage, abuse, and wear.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer’s care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer’s recommended replacement schedule.

1012.4 ADDITIONAL RESPONSIBILITIES
The Training Academy Director or the authorized designee should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to agency-approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies and correctional weapons officers about the safety benefits of wearing body armor.

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs the maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this Agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Wisconsin (Wis. Stat. § 19.36(10)).

1013.3 AGENCY PERSONNEL FILE

The agency file shall be maintained as a record of a person’s employment/appointment with this agency. The agency file should contain, at a minimum:

(a) Personal data and marital status.

(b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(c) Performance evaluations. These should be permanently maintained.

(d) Discipline records, including copies of sustained personnel complaints.

(e) Employee Activity Documentation records such as supervisor notes or memos may be retained in the agency file after the member has had the opportunity to read and initial the record.

1. Once a member has had an opportunity to read and initial any Employee Activity Documentation records, the member shall be given the opportunity to respond in writing to the record.
2. Any member response shall be attached to and retained with the original Employee Activity Documentation records (Wis. Stat. § 103.13).
3. If a member refuses to initial or sign an Employee Activity Documentation records, at least one supervisor should note the date and time of such refusal on the original record. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the record into the member's file.

(f) Commendations and awards.

(g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

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1013.5 TRAINING FILE

An individual training file shall be maintained, either digital or hard copy, by the Training Director for each qualifying member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications.

(a) The involved member is responsible for providing the Training Academy with evidence of completed training/education in a timely manner.

(b) The Training Director or the authorized designee shall ensure that copies of such training records are placed or recorded in the member’s training file.

1013.6 PROFESSIONAL STANDARDS DIVISION FILE

files shall be maintained under the exclusive control of the Professional Standards Division in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Division supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the Professional Standards Division file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained by Milwaukee County Department of Human Resources separately from all other personnel records. Any medical-related documents received by the agency shall be maintained in a separate file at the appropriate location.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by Human Resources, Milwaukee County Corporation Counsel or other attorneys or representatives of the County in connection with official business.

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1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records (Wis. Stat. § 19.31 et seq.).

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file, and the affected employee will be notified in writing prior to access and within three days after the decision is made to permit access (Wis. Stat. § 19.356(2)(a)).

1013.8.2 BACKGROUND REQUESTS

The Agency shall release personnel records as set forth in Wis. Stat. § 165.85 to another agency submitting a waiver from a candidate. The requested personnel records should be supplied within 21 days of the receipt of the waiver. The Agency should not release a candidate's personnel records if it is prohibited from providing the records under a binding nondisclosure agreement that was executed before November 7, 2021.

Only the Professional Standards Division is permitted to respond to requests for employment information regarding current or former employees. Employment related requests shall be directed to the Professional Standards Division.

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records. The request shall occur during the normal business hours of those responsible for maintaining such files. Any member may request access to his/her own personnel records twice in a calendar year or more if authorized or as otherwise authorized in a collective bargaining agreement. If doing so requires the member to take time off work, arrangements for an alternate reasonable time should be made for the member to access the files. The Agency will grant the inspection within seven working days (Wis. Stat. § 103.13).

Any member seeking the removal or correction of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Agency may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed or changed. If the contested item is not removed or changed, the member's request and the written response from the Agency shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (Wis. Stat. § 103.13).

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Members may obtain a copy of the information or part of the information contained in their file (Wis. Stat. § 103.13).

A member who is involved in a current grievance against the Agency may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (Wis. Stat. § 103.13).

Members may be restricted from accessing files containing any of the following information (Wis. Stat. § 103.13):

(a) An ongoing Professional Standards Division investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of Professional Standards Division files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding.

(i) Medical records where it would have a detrimental effect on the member, in which case the Agency may release the medical records to a physician designated by the member so that the physician may release the medical records to the member.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Fitness for Duty

1014.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office is committed to providing a safe and healthy environment for all employees and the public. In order to uphold this commitment, the Agency has set forth policy guidelines to insure that all employees are medically, psychologically, physically, and emotionally fit for duty.

Nothing in this policy is intended as a substitute for other applicable Sheriff's Office policies or procedures related to performance; nor is the fit for duty process intended as a substitute for discipline.

1014.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this agency to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.

(b) Each member of this agency shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1014.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation. Observations may include but are not limited to an employee's self-report, manual dexterity, coordination, alertness, speech, vision, concentration, response to criticism, interactions with co workers and supervisors, suicidal or threatening statements, change in personal hygiene, memory, and/or odor of alcohol or marijuana.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties. If possible, the supervisor should allow the employee to explain his/her actions and correct any mistake of fact. The supervisor will document this information as soon as practical.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Commander or the employee's Divisional Commander, a determination should be made whether the employee should be temporarily relieved from duty.

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(e) The Professional Standards Division shall be promptly notified in the event that any employee is relieved from duty. In situations where there is cause to believe that a member has committed a crime, is threatening him/herself or others, or acting in a manner that is dangerous to him/herself or others, the appropriate actions should be taken and command staff notified.

1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1014.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Commander or unit supervisor and with the concurrence of a Divisional Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, specifically, that a member is unable to perform his/her assigned duties in a safe, secure, productive, and/or effective manner, the Professional Standards Division may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources, and at no cost to the employee, to determine the level of the employee's fitness for duty. There is no doctor/therapist patient relationship at any time during or after the evaluation. The order shall indicate the date, time and place for the examination. The order that a member may need to be evaluated for fitness for duty must be based on an objective, reasonable, and factual basis.

(b) The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

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(c) To facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment, including, but not limited to precipitating events, documented performance or behavior concerns, pending or previous disciplinary action, and employee's JEQ.

(d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.

(e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1014.7 FITNESS FOR DUTY FINDINGS/OUTCOMES

The evaluative summary findings will recommend one of the following course of action:

(a) Fit to return to duty. The evaluator has determined that the employee is fit for duty and does not pose a hazard or risk to self or others. The evaluator has determined the employee can do all essential functions of the position.

(b) Not fit for duty until specific recommendations have been met. The evaluator has determined that the employee is not fit for duty and may pose a hazard or risk to him/herself or others. The Professional Standards Division in conjunction with Human Resources shall consider the recommendations in the report which shall state the terms and conditions that must be met before the employee shall be allowed to return to work.

(c) Not fit for duty. The employee cannot perform essential duties of the position.

1014.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than 16 hours in a one-day period (24 hours).

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all County employees.

1015.1.1 MEAL/BREAK PERIODS

Employees should take their meal/breaks as determined by their assignment.

The time spent for the meal/break period shall not exceed the authorized time allowed.

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Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1016.2 POLICY

It is the policy of this agency to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to two years after the child's birth (29 USC § 207; MCGO 17.37(1)).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt agency operations. An employee taking a lactation break shall clock out/in of the time keeping system using the appropriate code. An employee taking a lactation break shall notify the supervisor upon returning to duty.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The Agency shall provide employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom, locker room, or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207). Whenever possible, the place chosen should be a dedicated space for nursing mothers. If the space cannot be dedicated, then it must be made available immediately upon request of the nursing mother. Access to an electrical outlet, running water, a chair and table, and a refrigerator for the storage of breast milk.

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All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1016.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1017.1 PURPOSE AND SCOPE

Payroll records are submitted to Milwaukee County Central Payroll for the payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis, with certain exceptions such as holidays. Payroll records shall be completed and submitted to Central Payroll before the end of the pay period, unless specified otherwise.

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Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Agency to compensate non-exempt and qualified employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement or by the allowance of accrual of compensatory time off (Milwaukee County General Ord. 17.16).

1018.1.1 POLICY

Because of the nature of law enforcement work, and the specific needs of the Agency, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Agency. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked. Working unauthorized overtime may be subject to discipline.

The individual employee may request compensatory time in lieu of receiving overtime payment. However, the employee may not exceed the number of hours compensatory time identified in the collective bargaining agreement or Milwaukee County Ordinance.

1018.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification.

1018.2.1 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Supervisors are responsible for managing overtime of employees under their supervision.

1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. The collective bargaining agreement, where applicable, and Milwaukee County General Ordinance govern the minimum number of hours to be paid (Milwaukee County General Ord. 17.14).

1018.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1019.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for agency employees engaging in outside employment, all employees shall initially obtain written approval from the Sheriff or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff or the authorized designee in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this agency who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this agency for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this agency for services, products or benefits rendered.

1019.2 OBTAINING APPROVAL

No member of this agency may engage in any outside employment without first obtaining prior written approval of the Sheriff or the authorized designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action. Members of the agency who have not completed their initial hire probationary period will be ineligible to engage in outside employment.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Sheriff or the authorized designee for consideration. The application will include the name and address of the business, the type of business, the immediate supervisor the requesting member will report to, a detailed description of the exact duties that the requesting member would perform and any known potential conflicts of interest.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid for two years from the date of approval. Subsequent approvals for off-duty employment must be filed by the member one month before the end of the two-year approval period.

Any employee seeking approval of outside employment whose application has been denied shall receive written notification of the denial. There are no appeal rights to a denial.

1019.2.1 CHANGES IN OFF-DUTY EMPLOYMENT

If any member was approved for off-duty employment and his/her duties as described in the application submitted to the Sheriff or the authorized designee changes before or during the course of the off-duty employment, the member must immediately submit another application describing

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the changes within his/her off-duty employment. The Sheriff or the authorized designee will then determine if the member may continue off-duty employment.

1019.2.2 CIVIL LIABILITY FOR OFF-DUTY EMPLOYMENT
The Milwaukee County Sheriff’s Office will not accept liability when an agency member engages in off-duty employment. Members engaged in off-duty employment are working outside the limits of their law enforcement authority or duty and are enforcing rules made in the interest of an off-duty employer.

1019.2.3 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION
Any approval of outside employment may be revoked or suspended upon the employee's notification of the reasons for revocation or suspension.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Sheriff or the authorized designee may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment. The revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of agency policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Agency or County.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

The Agency expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of agency time, facilities, equipment or supplies, the use of the agency badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this agency for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this agency.

(c) Involves the performance of an act in other than the employee's capacity as a member of this agency that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this agency.

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(d) Involves time demands that would render performance of the employee's duties for this agency below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1019.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this agency may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

1019.4 AGENCY RESOURCES

Employees are prohibited from using any agency equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this agency or other agencies through the use of the employee's position with this agency.

1019.5 OUTSIDE EMPLOYMENT WHILE ON APPROVED LEAVE

Agency members who are engaged in outside employment and are placed on approved leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Sheriff or the authorized designee whether such outside employment should continue or the approved outside employment be suspended or revoked.

In the event the Sheriff or the authorized designee determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the outside employment, a notice of intent to revoke the employee's outside employment will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

When the employee returns to full duty with the Milwaukee County Sheriff's Office, a request (in writing) may be made to the Sheriff or the authorized designee to restore the approval for outside employment.

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Occupational Disease and Work-Related Injury Reporting

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any mental or physical harm to an employee caused by accident or disease (Wis. Stat. § 102.01(2)(c)).

1020.2 POLICY

The Milwaukee County Sheriff's Office will address occupational diseases, some mental health issues and work-related injuries appropriately, and will comply with applicable state worker's compensation requirements (Wis. Stat. § 102.01 et seq.).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (Wis. Stat. § 102.12).

1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall review required reports for accuracy and determine what additional action should be taken. Supervisors should maintain contact with the injured worker throughout the entirety of the claim. Any related County-wide illness- or injury-reporting protocol shall also be followed (see Milwaukee County Administrative Manuals of Procedures 5.04 for additional guidance).

Supervisors shall determine whether the Major Incident Notification and Safety and Health Program policies apply and take additional action as required.

Copies of the report and related documents retained by the Agency shall be filed in the member's personnel file.

1020.3.3 RISK MANAGEMENT RESPONSIBILITIES

Risk Management shall ensure any required Department of Safety and Professional Services reporting is made as required in the safety and health program identified in the Safety and Health Program Policy.

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1020.4 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall notify Risk Management as soon as possible.

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Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Agency, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this agency and for their assignment.

1021.2 GROOMING STANDARDS FOR DEPUTIES AND CORRECTIONAL OFFICERS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all deputies and correctional officers, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

It is the responsibility of all supervisors on a daily basis to ensure the personal appearance standards are upheld.

1021.2.1 HAIR

All members will keep their hair clean, neatly trimmed, and well groomed. An employee's hair shall always present a professional image. Dyed, tinted, or bleached hair must be within a naturally occurring color range which does not include unique hair colors such as pink, blue, purple, or green.

For deputies and correctional officers, hair must be worn up or in a tightly wrapped braid or ponytail, and no longer than the bottom of the shoulder blade when the employee is standing erect.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.4 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and the flare shall not exceed the widest portion of the sideburn. If the sideburns reach the bottom of the outer ear opening, they shall be trimmed and have a clean horizontal line.

1021.2.5 FINGERNAILS

Fingernails shall be trimmed so that no point of the nail extends beyond one-quarter inch from the tip of the finger.

A deputy or correctional officer may wear fingernail polish, but the single color shall be the same for every finger. A basic French manicure with a white tip is allowed.

Deputies and correctional officers may not have any ornamentation or designs on their fingernails.

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1021.2.6 JEWELRY AND ACCESSORIES
Refer to the Wearing and Condition of Uniform and Equipment section of the Uniform Regulations Policy for additional guidance.

1021.2.7 BEARDS AND GOATEES
A beard or goatee may be worn but shall be neatly trimmed and no longer than one-half inch in length.

A goatee shall include hair on the upper lip (i.e., a mustache) and the chin. Hair shall be trimmed in a neat vertical line no wider than the natural hairline of the upper lip.

1021.3 GROOMING STANDARDS FOR CIVILIAN EMPLOYEES

The following appearance standards shall apply to all civilian employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1021.3.1 HAIR
Hairstyles of all civilian employees shall be clean and neat in appearance.

For civilian employees, hair should not impair vision and must not distract from a professional appearance.

1021.3.2 FINGERNAILS
Fingernails should be trimmed, groomed, and clean. Civilian employees shall not have fingernails of a length that interferes with their duties.

Civilian employees may not have any ornamentation on their fingernails that interferes with their duties.

1021.3.3 JEWELRY AND ACCESSORIES
Refer to the Civilian Attire Policy for additional guidance.

1021.4 TATTOOS

At no time while the member is on-duty or representing the Agency in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

As of July 09, 2020, no employee shall get any new tattoos on exposed areas of his/her neck, face, or head. If an employee has an existing tattoo on his/her neck, face, or head, he/she shall take a picture of any tattoo(s) and submit the photograph and a memorandum describing any current tattoo(s) to his/her supervisor. The information will be retained in the employee’s file.

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1021.5 COSMETICS AND PERFUMED SCENTS

Deputies and correctional officers may wear cosmetics that are business appropriate. Cosmetics should be kept to a minimum and should appear natural. Perfume scents are increasingly added to a wide variety of products. Therefore, it can be overpowering to be in close quarters with several people who are heavily perfumed and scented. The many different smells and scents can cause allergic reactions, headaches, and trigger allergy attacks. As a business courtesy, employees shall not use heavily-scented products at work.

1021.6 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body, with the exception of earlobes, that is visible in any authorized uniform or attire, and that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification

This does not apply to jewelry and accessories as described in this policy and the applicable uniform regulations policy.

1021.7 EXEMPTIONS

The Sheriff or the authorized designee may consider and approve accommodations to the personal appearance standards on a case-by-case basis. Such accommodations may be grated in cases where the employee demonstrates a religious or medical reason for accommodation. In such instances, the employee shall submit the request for accommodation to his/her immediate supervisor. The supervisor shall forward the request through the chain of command for review. The Sheriff or the authorized designee, after approving or denying the request, shall forward a dated and signed copy of the request for placement in the employee's personnel file.

1021.8 NOTIFICATION

The Agency shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

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Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the Milwaukee County Sheriff's Office is established to ensure that uniformed deputies, and special assignment personnel will be readily identifiable to the public through the proper use and wearing of agency uniforms. Employees should also refer to the following policies:

- Firearms
- Agency -Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Sheriff, the Training Academy Director, or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

The Milwaukee County Sheriff's Office will provide the designated amount of uniforms for all employees who are required to wear them upon initial hire or promotion.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be properly fitted, neat, clean and appear professionally pressed.

(b) All deputies of this agency shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others.

(e) Employees shall not permit the uniform to be reproduced or duplicated.

(f) The uniform is to be worn in compliance with the specifications set forth in the agency's uniform specifications, which are maintained separately from this policy.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official agency functions or events.

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(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the agency uniform, including the uniform pants.

(k) Sunglasses will be of conservative design (e.g., color) and will be appropriately sized to not detract from the uniform.

(l) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch
2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring may be worn on each hand. A wedding set counts as one ring.
3. Medical alert bracelet
4. Employees may wear one matching pair of earrings in the ear lobe. The earring shall be screw-on, clip-on, or post-style; gold, silver, or white-pearl in color; shall not exceed six millimeters or one-quarter inch in diameter; and ball or hope style. No other facial piercings are allowed.
5. Any exceptions to this list should be preapproved in writing by the Sheriff or the authorized designee. The request shall be made through the employee's respective Division Commander. Any approved request shall be kept in the employee's file.

1022.2.1 NATIONAL ANTHEM AND COLORS

Members in uniform shall render military honors to the National Anthem, Pledge of Allegiance and colors at appropriate times. Members in civilian dress shall render civilian honors to the National Anthem, Pledge of Allegiance and colors at appropriate times.

1022.2.2 AGENCY-ISSUED IDENTIFICATION

The Agency issues each employee an official agency identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their agency-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Agency, employees shall display their agency-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Deputies working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Divisional Commander.

1022.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies, scheduled court appearances, or as directed. The Class A uniform is required for all

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sworn personnel. The Class A uniform includes the standard issue uniform with dress pants, a long-sleeve shirt and tie with tie clasp, and polished shoes or boots. Boots with pointed toes are not permitted. Visible socks shall be black in color.

The garrison hat may be worn for events held outdoors or when directed by the Sheriff.

Command staff members shall wear their rank insignia and dress blouse.

1022.3.2 CLASS B UNIFORM
All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) TDU® pants may be worn unless assigned to a court.

(b) Along-sleeve shirt may be worn:

1. With the collar open and a turtleneck, unless assigned to a court; or

2. With the collar closed and a tie.

(c) A short-sleeve shirt may be worn may be worn with the collar open. A tie shall not be worn with a short sleeve shirt.

(d) A plain white or black crew or v-neck shirt must be worn with the uniform. The sleeve shall not exceed the uniform shirt sleeve length.

(e) All shirt buttons must remain buttoned except for the top button at the neck.

(f) Shoes or boots for the Class B uniform shall be solid black in color or meet the Class A uniform standard.

(g) Boots with pointed toes are not permitted.

1022.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months and for parks assignments only. Shorts shall be plain black, cargo-style, and knee-length. Shorts may only be worn with a short-sleeve uniform shirt.

1022.3.4 SPECIALIZED UNIT UNIFORMS
The Sheriff may authorize special uniforms to be worn by deputies in SWAT, MRT, Honor Guard, bicycle patrol, training instructors, and motor deputies. The uniform and equipment specifications manual lists necessary items for each of these specialized units.

1022.3.5 FOUL WEATHER GEAR
The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

1022.4 INSIGNIA AND PATCHES

(a) The Agency-authorized shoulder patch shall be machine stitched to both sleeves of all uniform shirts and other outer garments, one-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.

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(b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. They shall be Agency-approved diagonal stripes, two and one-quarter inches long and three-eighths inches wide, sewn centered on the top of the left forearm with the lower (leading) end of the first stripe two inches above the cuff. The stripes are set at a 45-degree angle from the wearer’s elbow to the inside of the wrist. When more than one stripe is authorized, they shall be placed one-quarter inch apart. One stripe is authorized for every five years of completed full-time service with any sworn law enforcement agency.

(c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall be one-half inch tall by two and one-half inches wide. The nameplate shall display, at minimum, the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket or sweater is worn, the nameplate and badge shall be affixed to the jacket or sweater in the same manner as the uniform.

(e) Authorized insignia pins (e.g., SWAT, FTO, Medal of Valor, Ceasefire) may be worn as designated in the Uniform Manual. If the pin is related to an assignment, the member must be active. A maximum of two pins are allowed. The first pin should be centered above the nameplate. The second pin should be centered above the first pin.

(f) An American flag pin may be worn, centered on the left shirt lapel.

(g) Optionally, one of the following pins may be worn centered on the right shirt lapel:

1. Memorial pin
2. Service Excellence pin
3. Milwaukee Deputy Sheriff’s Association pin (only for current members of the Association)
4. Military branch pin

(h) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff or the authorized designee may authorize exceptions.

1022.4.1 EMBROIDERED NAMEPLATES AND INSIGNIAS

(a) A member may embroider their badge and badge number on his/her uniform. The badge and number should begin five-eighths of an inch above the left shirt pocket and centered on the pocket.

(b) A member may embroider his/her name on his/her uniform. The nameplate should begin five-eighths of an inch above the right shirt pocket and centered on the pocket.

(c) A maximum of two insignia pins may be embroidered above the embroidered nameplate. Embroidered pins should be spaced two millimeters apart.

(d) Embroidered items shall not be placed on a Class A uniform.

(e) If a member has one embroidered element on the front of their shirt (e.g., badge), the nameplate and any insignias shall be embroidered as well.

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(f) Collar and epaulet pins are not required to be embroidered when the badge and nametag are embroidered.

1022.4.2 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer or correctional officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy or correctional officer of this agency - From the time of death until midnight on the day of interment.

(b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the interment.

(c) Funeral attendee - While attending the funeral of an out-of-region peace officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff or the authorized designee.

1022.5 CIVILIAN ATTIRE

There are assignments within the Agency that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary. Assignments that may wear civilian attire include, investigative personnel, civil process, modified-duty assignments, while attending certain training conferences, or as otherwise authorized by the Sheriff.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male personnel who are authorized to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.

(c) All female personnel who are authorized to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone
2. Open-toed sandals or thongs
3. Swimsuit, tube tops, or halter tops
4. Spandex-type pants or see-through clothing
5. Distasteful printed slogans, buttons, or pins
6. Denim pants of any color
7. Shorts
8. Sweatshirts, sweatpants, or similar exercise clothing

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(e) Variations from this order are allowed at the discretion of the Sheriff or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Milwaukee County Sheriff's Office or the morale of the employees.

(g) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

(h) Sworn non-uniform personnel will wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff or designee, Milwaukee County Sheriff's Office employees may not wear any part of the uniform, intentionally be photographed wearing any part of the uniform, utilize a agency badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Milwaukee County Sheriff's Office to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or on any motion picture, film, video, public broadcast or on any website.

1022.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the uniform and equipment specifications manual as optional (e.g., turtlenecks, outer vest carrier) shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Agency.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this policy and the uniform and equipment specifications manual as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, the employee shall follow the procedures for the replacement of damaged personal property outlined in the Agency-Owned and Personal Property Policy.

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1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Milwaukee County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff or the authorized designee.

Milwaukee County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff or the authorized designee.

1022.9 NOTIFICATION

The Agency shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).

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Civilian Attire

1023.1 PURPOSE AND SCOPE

The civilian attire policy of the Milwaukee County Sheriff's Office is established to ensure a consistent professional appearance. Employees should also refer to the following policies:

- Agency-Owned and Personal Property
- Personal Appearance Standards

1023.2 PUBLIC SAFETY OFFICERS

The public safety officer uniform and equipment specifications are maintained and periodically updated by the Sheriff, the Training Academy Director, or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

The Milwaukee County Sheriff's Office will provide the designated amount of uniforms for all employees who are required to wear them upon initial hire or promotion.

1023.2.1 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Public safety officers shall wear a uniform that is identified as public safety officers within the courthouse complex.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be properly fitted, neat, clean and appear professionally pressed.

(b) All public safety officers shall possess and maintain, at all times, a serviceable uniform and the necessary equipment to perform their assigned duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others.

(e) Employees shall not permit the uniform to be reproduced or duplicated.

(f) The uniform shall be worn in compliance with the specifications set forth in the agency's uniform specifications, which are maintained separately from this policy.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official agency functions or events.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the agency uniform, including the uniform pants.

(k) Sunglasses will be of conservative design (e.g., color) and will be appropriately sized to not detract from the uniform.

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(l) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch
2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring may be worn on each hand. A wedding set counts as one ring.
3. Medical alert bracelet
4. Employees may wear one matching pair of earrings in the ear lobe. The earrings shall be screw-on, clip-on or post-style; gold, silver, or white-pearl in color; shall not exceed 6 millimeters or one-quarter inch in diameter; and ball or hoop style. No other facial piercings are allowed.
5. Any exceptions to this list should be preapproved in writing by the Sheriff or the authorized designee. The request shall be made through the employee's respective Division Commander. Any approved request shall be kept in the employee's file.

1023.2.2 INSIGNIA AND PATCHES

Insignia, patches, embroidery, or other accessories shall be silver.

(a) The Agency-authorized shoulder patch shall be machine stitched to both sleeves of all uniform shirts and other outer garments, one-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.

(b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. They shall be Agency-approved diagonal stripes, two and one-quarter inches long and three-eighths inches wide, sewn centered on the top of the left forearm with the lower (leading) end of the first stripe two inches above the cuff. The stripes are set at a 45-degree angle from the wearer's elbow to the inside of the wrist. When more than one stripe is authorized, they shall be placed one-quarter inch apart. One stripe is authorized for every five years of completed full-time service with this agency.

(c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall be one-half inch tall by two and one-half inches wide. The nameplate shall display, at minimum, the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket or sweater is worn, the nameplate and badge shall be affixed to the jacket or sweater in the same manner as the uniform.

(e) An American flag pin may be worn, centered on the left shirt lapel.

(f) Optionally, one of the following pins may be worn centered on the right shirt lapel:

1. Memorial pin
2. Service Excellence pin
3. Military branch pin

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1023.2.3 EMBRROIDERED NAMEPLATES AND INSIGNIAS

(a) A member may embroider his/her name on his/her uniform. The nameplate should begin five-eighths of an inch above the right shirt pocket and centered on the pocket.

(b) A maximum of two insignia pins may be embroidered above the embroidered nameplate. Embroidered pins should be spaced two millimeters apart.

(c) Embroidered items shall not be placed on a Class A uniform.

(d) If a member has one embroidered element (e.g., badge), the nameplate and any insignias shall be embroidered as well.

1023.2.4 MOURNING BADGE BAND

Public safety officers may wear a black mourning band across the uniform badge whenever a law enforcement officer or correctional officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy or correctional officer of this agency - From the time of death until midnight on the day of interment.

(b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the interment.

(c) Funeral attendee - While attending the funeral of an out-of-region peace officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff or the authorized designee.

1023.3 CIVILIAN ATTIRE

Non-uniformed personnel shall wear appropriate business or business casual attire.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All employees shall wear clothing that may include:

1. Dress pants, slacks, or capris
2. Business dress jeans as determined by the employee’s direct supervisor
3. Leggings provided that the top or jacket falls mid-thigh or below
4. Khakis
5. Skirts that are knee-length or longer
6. Blouses or button-down shirts
7. Casual shirts, tops, turtle-necks, or polos
8. Sweaters and cardigans
9. Suits
10. Dresses that are knee-length or longer

(c) The following items shall not be worn:

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1. T-shirts with logos or slogans
2. Ripped or ill-fitting jeans
3. Swimsuits, tube tops, halter tops, shirts or blouses with the backs cut out, spaghetti straps or bare midriffs, unless worn under another blouse, shirt, jacket, top, or dress
4. Sweatshirts, sweatpants, or similar athletic or exercise clothing, unless approved by the employee's direct supervisor
5. Low-cut or see-through clothing
6. Flip flops, slide-in sport sandals, or slippers
7. Shorts, unless approved by the employee's direct supervisor

(d) Variations from this order are allowed at the discretion of the Sheriff or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(e) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Milwaukee County Sheriff's Office or the morale of the employees.

1023.4 AGENCY-ISSUED IDENTIFICATION

The Agency issues each employee an official agency identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their agency-issued identification card at all times while working.

(a) Whenever on-duty, public safety officers shall display their agency-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Civilian-attired employees shall wear their identification card in a manner so that it is visible to the public.

(c) An identification card should be clean and visible, and not altered in any way (e.g., stickers).

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CADET POST 890

1024.1 PURPOSE AND SCOPE

The purpose of the Milwaukee County Sheriff's Office Cadet Post 890 is to provide young people a way to learn firsthand, practical law enforcement techniques and objectives through a controlled environment. Cadets work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1024.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

1024.3 PROGRAM COORDINATOR

The Community Facilitator or the authorized designee will serve as the program coordinator. The program coordinator will be responsible for tracking the educational and job performance of Cadets as well as making their individual assignments throughout the Agency. The program coordinator will also monitor the training provided for all Cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1024.3.1 PROGRAM ADVISERS

The program coordinator may select individual deputies to serve as advisers for the Cadet Program. These deputies will serve as mentors for each cadet. Cadets will bring special requests, concerns and suggestions to their program adviser for advice or direction before contacting the program coordinator. One adviser may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program adviser. Program advisers are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

1024.4 ORIENTATION AND TRAINING

Newly appointed cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the cadet training manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. All training will focus on improving job performance, as well as preparation for a career in law enforcement. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1024.5 CADET UNIFORMS

Each cadet will be provided uniforms meeting the specifications described in the Cadet Post procedures.

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1024.6 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed regularly as determined by the program coordinator.

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Nepotism and Employment Conflicts

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this agency. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Agency will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Agency will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Agency reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy and in accordance with any applicable collective bargaining agreements.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

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(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed.

(d) To avoid actual or perceived conflicts of interest, members of this agency shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know engages in intentional violations of state or federal laws, is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender; except as required in the performance of official duties or in the case of immediate relatives.

1025.2.1 EMPLOYEE RESPONSIBILITIES

Personal relationships between a supervisor and an employee in his/her work group must be reported to the next-level supervisor in order to determine appropriate actions.

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall request another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1025.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff or the authorized designee of such actual or potential violations through the chain of command.

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Agency Badges

1026.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Milwaukee County Sheriff's Office are property of the Agency and their use shall be restricted as set forth in this policy.

1026.2 POLICY

The uniform badge shall be issued to agency members as a symbol of authority. The use and display of agency badges shall be in strict compliance with this policy. Only authorized badges issued by this agency shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity, unless an assignment would prohibit carrying a badge and it is approved by a Division Commander (e.g., undercover assignment).

1026.2.1 CIVILIAN PERSONNEL

Badges may be issued to specific civilian personnel and shall be clearly marked to reflect the position of the assigned employee (e.g., correctional officer, public safety officer).

(a) Civilian personnel shall not display any agency badge except as a part of his/her uniform, while on-duty, or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any agency badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn law enforcement officer.

1026.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees may pay for their assigned duty badge to be encased in Lucite for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1026.2.3 EMBROIDERED BADGES

The Sheriff has authorized an embroidered badge. An embroidered badge shall have the member’s badge number, which shall be placed under the badge. The embroidered badge for correctional officers shall indicate “Corrections” on the top rocker of the embroidery.

1026.2.4 HAT BADGES

A hat badge shall be issued to all deputies and correctional command staff. The hat badge shall be worn in compliance with the Uniform Policy.

1026.2.5 LINE-OF-DUTY DEATH

A badge cased in Lucite shall be presented to a member’s next of kin if he/she is killed in the line of duty.

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1026.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired deputy.

Agency badges are issued to all sworn and civilian uniformed employees for official use only. The agency badge, shoulder patch or the likeness thereof, or the agency name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and agency name for all material (e.g., printed matter, products or other items) developed for agency use shall be subject to approval by the Sheriff or the authorized designee.

Employees shall not loan the agency badge to others and shall not permit the badge to be reproduced or duplicated (Wis. Stat. § 946.70).

1026.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the agency badge shall not be used without the express authorization of the Sheriff or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the agency badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Milwaukee County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

(b) The likeness of the agency badge for endorsement of political candidates shall not be used without the express approval of the Sheriff or the authorized designee.

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Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments (also referred to as light-duty assignments). This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Agency to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Milwaukee County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Agency with a productive employee during the temporary period. Temporary light-duty assignments are temporary assignments only. They are not vacant or permanent positions within the Milwaukee County Sheriff’s Office workforce and are not available to employees on a permanent basis under any circumstances.

1027.3 GENERAL CONSIDERATIONS

Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Wisconsin Fair Employment Act (Wis. Stat. § 111.31 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Milwaukee County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Agency. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

Employees approved for a temporary modified-duty assignment are not permitted to wear a uniform and deputies shall have their police powers restricted as follows:

- The deputy will observe and report any activity normally requiring police response, but they are prohibited from taking any self-initiated action.
- Any assigned vehicle may be required to be turned in.
- The deputy will retain their badge, duty-issued handgun, and law enforcement identification unless:

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- The Sheriff or the authorized designee further restricts deputies in temporary modified-duty assignments from displaying a badge, carrying a firearm, or operating an emergency vehicle.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

If the employee has not sufficiently recovered to return to their usual job within this period, then restrictions will be reviewed.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light-duty assignment will not be considered. In that event, the Milwaukee County Sheriff's Office will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans With Disabilities Act, other applicable law, and other relevant Milwaukee County policies.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

If a light-duty assignment is available, an employee will be permitted to work in a light-duty assignment after the Milwaukee County Sheriff’s Office receives a written statement from the employee’s treating healthcare provider approving the assignment for the injured employee. The statement must have a release specifying his/her work restrictions and expected duration of the restriction. This statement must be presented to the supervisor and Human Resources Business Partner or designee upon the employee's return to work for review and consideration.

The employee may be sent home temporarily so the agency may determine if a temporarily modified-duty assignment is available. An employee may not return to work prior to receiving approval for a temporary modified-duty assignment form Human Resources.

In general, the Agency will review the status of the temporary light-duty assignment with the affected employee every 30 to 60 days, in light of the Agency's operational needs and the employee's condition to determine if continuation of the assignment is appropriate.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate agency operations and the employee’s medical appointments.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

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(b) Promptly notifying their supervisors and the Human Resources Business Partner of any change in restrictions or limitations after each appointment with their treating medical professionals, with the supporting medical documentation.

(c) While working in a temporary light-duty assignment, the employee may be required to provide updates from his/her treating healthcare provider up to every 30 days. This should include a status update and anticipated duration of the restriction.

(d) Submitting a written status report to the Human Resources Business Partner that contains a status update and anticipated date of return to full-duty.

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Requesting an updated work status report, if necessary.

(b) Ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) In conjunction with the Training Academy, ensuring that employees returning to full duty have completed any required training and certification.

1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The employee may be required to attend a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy and the Americans With Disabilities Act.

1027.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

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1027.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1027.10 HUMAN RESOURCES

The Milwaukee County Sheriff's Office Human Resources Business Partner or designee has the supervisory authority to order staff members to comply with timelines and procedures. Refusal to abide by orders from the Human Resources Business Partner or designee handling a temporary light-duty case is a violation of this policy and other Sheriff's Office rules.

1027.11 PROVISIONS RELATED TO WORK-RELATED INJURIES ONLY

Employees who experience a workplace injury that arises in the course and scope of their employment are governed under AMOP 5.05 Transitional Duty Program Procedures (https://county.milwaukee.gov/EN/Administrative-Services/AMOP).

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Employee Speech, Expression and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Agency.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1028.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1028.2 POLICY

Public employees occupy a trusted position in the community, and thus their statements have the potential to contravene the policies and performance of this agency. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Milwaukee County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

1028.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Milwaukee County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1028.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the agency's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Milwaukee County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Milwaukee County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Milwaukee County Sheriff's Office or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Agency. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics or Jail Officer Code of Ethics as adopted by the Milwaukee County Sheriff's Office.

(f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Agency for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Milwaukee County

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Sheriff's Office on any personal or social networking or other website or web page without the express authorization of the Sheriff.

(h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or agency-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., informing family of extended hours)
2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment

Employees must take reasonable and prompt action to remove any content, including reactions such as likes, and content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Milwaukee County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Milwaukee County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support, or oppose any product, service, company or other commercial entity

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this agency, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Milwaukee County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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1028.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Instagram, Snapchat) that is accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Agency.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

1028.7 TRAINING

Subject to available resources, the Agency should provide training regarding employee speech and the use of social networking to all members of the Agency.

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Locker Rooms

1029.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Agency to ensure each member's rights and privacy are maintained (Wis. Stat. § 175.22).

1029.2 POLICY

The purpose of this policy is to establish guidelines for maintaining the privacy of members while inside a agency locker room.

1029.3 SECURITY

Members should not enter a locker room designated for a person of the opposite sex unless:

(a) The locker room is empty of members of the opposite sex.

(b) Members in the locker room give consent.

(c) The entering member reasonably believes there is an emergency involving a person unable to consent.

Members who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the member has taken care of personal affairs and has exited.

Situations requiring an immediate conversation regarding the safety or security of another member, person or citizen, will require the member to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, a member of the same sex should enter the locker room to obtain information from the member.

When an inspection of a locker room is necessary and a supervisor of the same gender is not available, the locker room shall be empty of any person of the opposite gender and a witness shall be present during the inspection.

If the Agency issues locks for locker room use, the locks are the property of the Agency.

1029.4 PRIVACY

At no time will video or audio recording devices be used. except in conjunction with a sanctioned investigation and with prior approval of the Sheriff or the authorized designee.

At no time will a member capture, record or transfer video or audio recordings, either openly or in secret, of another member by any means, including, but not limited to, the use of cameras, computers, tape or digital recorders, video cameras or cellular telephones.

Members who violate this policy are subject to discipline up to and including termination.

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Safety and Health

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective cooperation with Milwaukee County partners to reduce the incidence of illness and injury for members of the Milwaukee County Sheriff's Office, in accordance with the requirements of Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.15.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid.

This policy does not supersede, but supplements any related Countywide safety efforts.

1030.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. It is the intent of the Agency to comply with all laws and regulations related to occupational safety.

1030.3 MEMBER RESPONSIBILITIES

Members shall not, by action or inaction, create a situation of risk or injury to themselves or others. In performing their duties, members are specifically charged to conduct themselves with due regard for the personal safety of themselves, other members, and the public.

1030.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(b) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(c) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the designated resource.

(d) Notifying the appropriate Divisional Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. Workplace conditions warrant an inspection.

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1030.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate report. The report should be forwarded to the Divisional Commander via the chain of command.

The Divisional Commander or the authorized designee will take appropriate action to ensure that potential hazards are addressed upon such notification.

Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1030.6 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1030.7 RECORDS

Records and training documentation relating to the safety and health will be maintained in accordance with the established records retention schedule.

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1030.8 TRAINING

Milwaukee County Risk Management and Human Resources should provide all members, including supervisors, with training on general and job-specific workplace safety and health practices.

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Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Milwaukee County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Agency in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a Civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this agency to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable. At minimum, notifications should include: the Sheriff, the Chief Deputy, the respective Inspector, Division Commander, the PIO, the Training Director, MCSO POST, Agency chaplain, and a MDSA board member.

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(c) If the member has been transported to the hospital, the Shift Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's Line-of-Duty Death Information form and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Shift Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Agency Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in agency vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Wellness Support Liaison (see the Wellness Support Liaison section of this policy), if known, and the Family Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Family Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Milwaukee County Sheriff's Office members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Notification Officer Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Notification Officer should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the agency member that the survivors can call for more information following the notification by the assisting agency.

(b) The Family Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Agency to pay travel expenses without the authorization of the Sheriff.

1031.5 NOTIFYING AGENCY MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying agency members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Agency regarding the deceased member or the incident.

1031.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Family Liaison

(b) Honor Guard

(c) Procession Parking Coordinator

(d) Public Information Officer (PIO)

(e) Wellness Support Liaison

(f) Benefits Coordinator

(g) Notification Officer

(h) Administration

1031.6.1 FAMILY LIAISON

The Family Liaison is one person (two if possible) assigned throughout the funeral to focus on the needs of the family, with services to continue after the funeral. Liaison officers can be of any rank; however, if there are two, one should be a sergeant. Responsibilities include but are not limited to:

(a) Meet with the family as soon as possible after the death. Liaison officer(s) should be introduced to the family by one of the command staff members that made the notification, if available. A representative of the Milwaukee Deputy Sheriff’s Association and the agency chaplain should also be present.

(b) Explain to the family what a line-of-duty/military funeral involves, and determine if the family wants a private or military honors funeral. Provide the contact number to the Honor Guard Coordinator to answer any family questions regarding honors.

(c) Determine if the family wants or desires services of the Family Liaison Officer. Make sure the family understands that they can accept or refuse all or part of the services offered by the Agency.

(d) Help the family with the funeral home selection. Set up an appointment at the funeral home and assist with the funeral arrangement.

(e) Make arrangements with the family and the funeral home for private visitation for family members at the funeral home. These funerals are usually well attended, and the family will need to have time at the funeral home alone before the public arrives.

(f) Determine number of family members that will need rides on funeral days. Normally, rides are provided for the immediate family only.

(g) Assist the family in deciding what the member will be wearing. The family will make the decision as to whether the member will wear his/her uniform or civilian attire, if appropriate.

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(h) Help the family with cemetery selection and assist them at the cemetery.

(i) Determine religious affiliation and if the family wishes to have services at a church or at the funeral home. Assist in setting up arrangements at the church.

(j) Coordinate between the funeral home and the family.

(k) Notify the Agency as soon as arrangements have been made, including dates, times, and locations.

(l) Spend time with the family, making contact on a daily basis before the funeral to answer questions or to assist them in any way.

(m) During funeral visitation stay available for the family, checking on them often. If the family stays in the parlor greeting people, watch for signs of exhaustion. The family may not want to eat or drink, but at least make water available.

(n) Monitor the visitation lines. It is important that key people be introduced to the family including dignitaries, the fallen member’s partners if the family has not met them, or members assigned to the investigation.

(o) Make sure that if the family will be in limousines for the procession, that a vehicle for the Family Liaison is staged nearby.

(p) At the cemetery stay near, but not with, the family.

(q) Maintain contact with the Honor Guard Coordinator, Parking and Procession Coordinator, and funeral directors, to keep updated on any last minute changes.

(r) The day after the funeral, make arrangements to take the family back to the funeral home to collect flowers and cards.

(s) The duties do not end the day after the funeral. There will be items to deliver to the family for weeks after. Keep in contact with the family on a regular basis.

1031.6.2 HONOR GUARD

The Honor Guard Coordinator should organize the honors as decided upon by the family. Upon notification of a line-of-duty death, the Honor Guard Coordinator shall be responsible for the following:

(a) Meet with the family, preferably at the funeral home to determine what honors are requested from the family. Honor Guard services will be provided only at the wish of the family and in accordance with military protocol.

(b) Services provided include:

1. Casket detail
2. Door detail at funeral home and cemetery
3. Flag folding
4. Pallbearers
5. Gun salute
6. Taps

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(c) If the member was in the military, a decision should be made by the family whether the military or the Agency should perform the honor guard services.

1. If military is requested, contact should be made with the Veteran's Administration to coordinate with a local VFW Post.

2. A copy of member's DD214 form should be provided for the VFW and also for obtaining a flag from the funeral home.

(d) Determine if any other honors are requested by the family, such as pipers.

(e) Make contact with the Fire Bell Club for refreshments for members on the day of the funeral. Coordinate the placement of the truck with the Parking Coordinator

(f) Prepare the funeral home/church with appropriate flags for the viewing and the funeral.

(g) Coordinate and assign Honor Guard personnel to provide requested details.

(h) Ensure that all the necessary equipment is available and in proper condition

(i) Meet with the Procession Parking Coordinator and parking to relay Honor Guard positioning/duties at the cemetery.

(j) If the Honor Guard is unable to provide a requested service, contact should be made with another agency that can provide the service. A list of contact numbers should kept in the Honor Guard file.

(k) The Honor Guard Coordinator should make every effort to be available for any requests as they arise. He/she is not to include themselves in actual funeral events unless absolutely necessary.

1031.6.3 PROCESSION PARKING COORDINATOR

The Procession Parking Coordinator shall coordinate the procession of squads from the funeral home to the church or cemetery, and coordinate the traffic flow and the parking at the funeral home, church, and cemetery. Responsibilities include but are not limited to:

(a) Establish the route from the funeral home to the church/cemetery.

1. Check the route for any problems along the way. Determine if any assistance will be required at intersections by local jurisdictions.

(b) Check funeral home, church, and cemetery parking for ease of access.

(c) Contact and coordinate with local municipalities along the procession route.

(d) Check with the Family Liaison for any special requests that the family may have.

(e) Arrange for a motorcycle escort for the immediate family from their residence to the funeral home for visitation and funeral, if needed.

(f) Establish a staging area to be used by visiting law enforcement agencies.

1. The area used for staging should not interfere with the traffic flow surrounding the funeral home.

2. Restrooms and Fire Bell should be accessible from this area.

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3. The staging area should be separate from the parking lot, but near or adjacent to the funeral home.
4. Staging information should be included in a teletype along with an agency contact name and telephone number for any questions.
5. A teletype should be sent at the earliest possible time containing this information, along with day, date, time, name, and address of funeral home.
6. Inform the visiting agencies about the staging area and procession details.

(g) Coordinate parking arrangements with the funeral director, Honor Guard, PIO, and Family Liaison for dignitaries.

1. Maintain areas within the main parking lots for the immediate family, dignitaries, and other non-law enforcement visitors.

(h) Coordinate with the PIO to designate an area for the media at the church, funeral home, and cemetery.

(i) Establish exit routes from the parking lot for the Honor Guard, media, chaplains, and anyone else who may need to leave ahead of the general procession.

(j) Provide detailed briefing on established protocol for the procession.

(k) Appoint a member or members to coordinate and assist the funeral home staff with the lining up of the procession and directing traffic within the parking lots.

(l) Establish parking areas at the cemetery.

1. Identify the entrances and exits to be used.
2. Determine if there will be any other burials occurring at the cemetery during the same time and ascertain the size of that funeral.
3. Assign motorcycle officers to assist with traffic at the cemetery upon the arrival and at the completion of service.

(m) Motorcycle officers should remain on the scene at the cemetery and secure the area around the gravesite for any private services the family may have planned. They should remain only upon the request of the family or the Family Liaison.

1031.6.4 PUBLIC INFORMATION OFFICER

The responsibilities of the PIO are to coordinate any media related matters and include but are not limited to:

(a) Gather agency and personal information regarding the member who died or was seriously injured including:

1. How long he/she has been with the Agency?
2. Where he/she was assigned?
3. Does he/she have a spouse or children?

(b) Take media calls regarding the incident.

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(c) Maintain contact with the Sheriff and those making the family notification to make sure the information released is timely and accurate.

(d) After coordinating with the Family Liaison, set up a press conference to announce the death or serious injury.

(e) Write a press release with the funeral arrangements.

(f) Coordinate media contact/non-contact with the Family Liaison.

(g) Find and distribute photographs of the member to the media, funeral home, and the families.

(h) Take calls from people sending flowers, cards, or asking about funeral arrangements.

(i) Order chairs for the cemetery from the Parks Department or Facilities Maintenance.

(j) Transport the Sheriff’s sound system to the cemetery, if necessary.

(k) Write a press release for the trust fund.

(l) Write letters from the Sheriff to every agency that:

1. Helped at the crisis site;
2. Helped with the funeral proceedings; and/or
3. Attended the funeral proceedings.

1031.6.5 BENEFITS COORDINATOR

The Benefits Coordinator should work with the family regarding any details relative to the member's benefits. Benefits may vary depending whether the member has died or is seriously injured. The Benefits Coordinator's responsibilities include but are not limited to:

(a) Contact or call the Department of Human Resources - Employee Benefits Division to notify them of the member's death.

(b) Contact or call the Department of Administration Risk Management (Claims Supervisor) to notify them of the member's death.

(c) Contact the Bureau of Justice Assistance, Office of Justice Programs - U.S. Department of Justice at (202) 307-0635, or toll-free at 1-888-744-6513, or at psob.bja.ojp.gov to obtain a Death Benefits Questionnaire. Completing and submitting the questionnaire is the initial step to filing a claim under the Public Safety Officers Benefits Act of 1976. The Public Safety Officers Benefit (PSOB) Program provides a one-time financial benefit to eligible surviving family members of the deceased officer.

1. The Agency should assist the family with the claim (e.g. obtaining certificates from the Register of Deeds Office and covering the cost of securing them).
2. Obtain a Collateral Request - Statistics #250 R7 from the Register of Deeds to initiate a request for certified copies of Milwaukee County birth, death, marriage, and/or divorce certificates.

(a) Complete the form and return it with payment or agency fiscal coding so the fee can be cross-charged.

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3. If the officer's death occurred outside of Milwaukee County, it is best to contact the
   (a) Register of Deeds in that specific county to expedite a request for certified copies of the certificate. All documents must either be originals or certified copies bearing original signatures and must be notarized.
4. If the family is submitting a document that would be difficult to replace if lost (e.g., a birth certificate issued for birth outside of the United States), indicate this in a cover letter to the PSOB Program case manager. Also enclose a self-addressed envelope in which it can be returned.
5. Begin to request/gather any investigation report, autopsy report, and toxicology report in anticipation of being required to submit them with the family's claim for the PSOB Program benefit. These reports must bear original signatures and a raised seal of the respective agency as designated by the PSOB Program.

(d) Complete and return the Analysis of Law Enforcement Officers Killed and Assaulted report as requested to the Federal Bureau of Investigation (FBI). The data supplied assists the FBI in the compilation of the annual publication of this report. The FBI will contact the deceased officer's employing agency and provide the report questionnaire and information regarding federal benefits surviving family members may be eligible for under the:
   1. PSOB Program, and
   2. Benefits that may apply to non-federal law enforcement officers under the Federal Employees Compensation Act, Section 8191, Title S, U.S. Code.

(e) Contact or call the U.S. Department of Labor Employment Standards Administration/ Office of Workers' Compensation Programs (OWCP) to inquire about the family's eligibility for benefits under the Federal Employees Compensation Act, Section 8191, Title 5, U.S. Code. A non-federal law enforcement officer's family members may be eligible if the officer was injured, sustained disease, or was killed under one of the following conditions:
   1. While engaged in the apprehension or attempted apprehension of any person:
      (a) Who has committed a crime against the United States; or
      (b) Who at the time was sought as a material witness in a criminal proceeding instituted by the U.S.
   2. While engaged in protecting or guarding a person held for the commission of a crime against the U.S. or as a material witness in connection with such a crime.
   3. While engaged in the lawful prevention of or lawful attempt to prevent the commission of a crime against the United States.

(f) The American Police Hall of Fame & Museum will send a package to the Sheriff's attention for presentation to the family. It includes a check for emergency financial assistance and for grief counseling to the officer's family at a time and place that is suitable. It also includes the American Police Hall of Fame Medal of Honor with Medal of Honor Citation mounted on a wood-grain plaque, a memorial flag, a full-size

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regulation silver shield and badge wallet, camp scholarship information, and poems. The organization will also send a copy of its bulletin to the family.

(g) Complete the Family Survivor's Program form (after obtaining the family's permission to submit their names to the organization) and mail it to: Chairman, Survivors committee, American Federation of Police & Concerned Citizens, 3801 Biscayne Blvd., Miami, FL 33137, along with a photograph of the officer. Questions can be directed to (305) 573-0070 or FAX: (305) 573-9819. The website is www.aphf.org .

(h) The Blue Coats is another organization that provides assistance to surviving family members following a line-of-duty death. Initial assistance is a check for immediate financial needs. The organization also provides financial planning to the family at no cost when the family is ready for such assistance.

1031.6.6 WELLNESS SUPPORT LIAISON

Wellness Support Liaison should work with the agency Peer Support Coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of Agency responsibilities until they can receive wellness support.

(c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1031.6.7 HOSPITAL LIAISON

The Hospital Liaison should coordinate events at the hospital relative to the family, agency personnel, and the media.

1031.6.8 ADMINISTRATION

Administration responsibilities include but are not limited to:

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(a) Distribute a memo from the Sheriff agency-wide to notify all personnel of member's death or serious injury, to include:

1. Funeral arrangements
2. Accommodations for personnel to attend the funeral
3. Trust fund

(b) Brief Administration staff in anticipation of phone calls and inquiries from the media, heads of law enforcement agencies, elected officials, Milwaukee County department heads, representatives of agencies offering support, general public, and agency members.

1. Gather names and contact information for liaisons and coordinators.

(c) Send a sympathy card from the Sheriff to the member's family. Order a floral arrangement from the Sheriff and command staff for the visitation and funeral.

(d) Assist the PIO in profiling the member's career with Milwaukee County using his/her personnel file for use with media, County Board (citation), memorial narratives, or speeches.

(e) Secure member's badge and Office of the Sheriff identification cards

(f) Obtain several copies of the member's photo from Records and Identification for distribution to the appropriate liaison/coordinator as follows:

1. PSOB Program claim
2. Wisconsin Law Enforcement Memorial (WLEM)
3. National Law Enforcement Officers Memorial (NLEOMF)
4. American Police Hall of Fame and Museum
5. Concerns of Police Survivors (COPS)
6. Agency plaque to be displayed at the Training Academy
7. File copies

(g) Distribute trust fund information agency-wide stating that contributions may be made to the family as follows:

1. Name of the trust fund (e.g., checks made payable to)
2. Name and address of financial institution

(h) Newspaper articles regarding the member's death should be retained.

1. Originals should be filed in the member's Line-of-Duty Death file
2. Copies filed in the personnel file.
3. Copy of articles will be requested by:
   (a) PSOB Program with claim for benefits
   (b) COPS

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(c) WLEM

(d) NLEOMF

(e) American Police Hall of Fame and Museum

(i) Draft a written summary of the incident surrounding the member's death to include: date, time of day, location, circumstances of the assault or death, involvement of other member, if the officer was wearing body armor, if the member was employed full-time and on-duty at time of the incident, and indicate type of his/her assignment.This information, or a portion thereof, will be needed for the:

1. FBI Uniform Crime Report
2. PSOB Program Report of Public Safety Officer's Death
3. COPS
4. WLEM
5. NLEOMF
6. American Police Hall of Fame and Museum
7. OWCP

(j) In collaboration with the Family Liaison, obtain permission from the family to submit their names, addresses, phone number(s), children's dates of birth prior to sending information to COPS. Contact or call COPS at (800) 784-2677 to obtain an information sheet regarding the officer's surviving family members and the incident surrounding the death. COPS keeps all information confidential, but uses it to offer support to family members and the officer's employing agency. COPS offers the following to surviving family members:

1. A national peer-support network
2. Support from local chapters
3. Reimbursement for children's psychological counseling
4. Quarterly newsletters
5. Benefits assistance
6. Trial and parole support for law enforcement
7. Regional training on the trauma of law enforcement death
8. Resource and reference materials

(k) Contact the Wisconsin Law Enforcement Memorial Board to obtain an Officer's Information sheet and initiate the process to establish the officer's line-of-duty death and have his/her name added to the law enforcement memorial in Madison. The officer's name will be read during the Wisconsin Law Enforcement Memorial Ceremonies in May following confirmation or the information by the WLEM. The completed information sheet should be submitted to:

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1. WLEM, P.O. Box 2733, Madison, WI 53710-2733 with supporting documentation that may include the following:
    (a) Survivor information (again with the family's permission)
    (b) Photo of the officer
    (c) Certified copy of the death certificate
    (d) Coroner's summary reports
    (e) An official agency report or summary concerning the officer's employment status and the circumstances behind his/her death
    (f) Copies of relevant press releases and news articles

(l) Contact the National Law Enforcement Officers Memorial Fund at phone: (202) 737-3400 to obtain a Memorial Officer Data form to submit the officer's name to establish line-of-duty death and have his/her name inscribed on the National Law Enforcement Memorial in Washington DC. Obtain the family's approval to provide information on the form before submitting the form with the following supporting documentation:

1. Photo of deceased officer
2. Death certificate and/or coroner's report
3. Copies of newspaper articles about his/her death
4. Initial incident report
5. The form also requires a brief description of the circumstances
6. The Sheriff must sign the completed data form. New names are added to the Memorial walls each year at the annual Candlelight Vigil during National Police Week in May.

(m) Mail received for family members of the deceased officer should be forwarded to the family via the Family Liaison Officer. It is important that the agency maintains contact with and provides support to the family.

(n) The deceased officer's badge shall be mounted in lucite with inscription for presentation to the family at the appropriate time. The inscription shall read: IN HONORED MEMORY OF (OFFICER'S RANK, NAME), THE MILWAUKEE COUNTY OFFICE OF THE SHERIFF, appointed (month, day, year), deceased (month, day, year), and with the family's approval "no one has greater love than this, to lay down one's life for his friends" John 15:13 or other selected quote.

(o) At the discretion of the Sheriff, the officer's agency identification card may be mounted in a desktop plaque for the family and their badge number may be retired.

(p) A plaque shall be made with the officer's photo as a memorial to be displayed in the Training Academy.

(q) Submit the officer's name for posthumous honor at:

1. Annual Eagles Awards Program

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2. Military Order of the Purple Heart at their annual awards program
3. Annual Exchange Club Award Program

(r) Take the necessary steps to ensure that the officer has been added to the websites of the following:

1. NLEOMF
2. WLEM
3. American Police Hall of Fame
4. MCSO memorial page
5. Officer Down Memorial Page (odmp.org)

(s) Plan for providing representatives of the Honor Guard and/or Family Liaison to escort the family members to ceremonies at the following:

1. Wisconsin Law Enforcement Memorial Ceremony in May
2. National Police Week in Washington, DC in May
3. Milwaukee Peace Officers' Memorial Ceremony held each May in MacArthur Square.

(t) Plan to honor the deceased officer on the anniversary of his/her death (e.g., social media posting, letters to family members, flowers or memorial flag at gravesite, agency participation in other memorial activities).

(u) Notify Milwaukee County Sheriff Memorial Committee for inclusion of officer's name on the agency memorial.

1031.7 AFFORDED HONORS

Upon notification of the death of an active or retired officer, the Administration will ensure the dissemination of pertinent information agency-wide via inter-office communication. A member of the Honor Guard will be assigned to contact the deceased’s family regarding agency participation in the funeral proceedings.

The level of honors afforded to fallen officers and dignitaries will be determined by the expressed wishes of the deceased’s family, and in accordance with the agency and military protocol. If acceptable with the deceased’s family, an officer killed in the line-of-duty shall be granted full honors to include the following:

(a) Honor Guard detail at casket/funeral home during viewing

(b) Honor Guard detail for pall bearers

(c) Flag ceremony

(d) Rifle ceremony

(e) Taps

(f) Procession of squads from funeral home to church/cemetery

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Agency participation in funerals for fallen officers of outside agencies will be at the discretion of the Sheriff or the authorized designee.

1031.8 AGENCY MEMBER PROTOCOL

1031.8.1 AGENCY CHAPLAIN

The Agency chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting agency members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.8.2 VISITATION

A directive will be issued by the Office of the Sheriff detailing the time and place for the funeral. Officers will be directed to assemble at a specific time and location for the agency viewing of the casket.

1031.8.3 VIEWING AT CASKET

(a) All members who are present during the agency viewing of the casket shall assemble as ordered in the directive.

(b) An Honor Guard member shall be assigned to coordinate the assembly and to facilitate the viewing of the casket. All members are to follow the direction of the Honor Guard officer.

(c) Officers shall remain in file as directed by the Honor Guard and proceed by twos or threes to the casket. Officers shall salute and retreat together.

(d) When participating in the viewing of the casket, the Sheriff or the authorized designee shall express condolences to the family on behalf of the agency.

(e) No one other than the Sheriff or the authorized designee shall break rank to offer condolences to the family during the viewing of the casket.

(f) Anyone wishing to offer condolences to the family may do so after the viewing has been completed.

(g) Any other law enforcement agency or member may participate in the viewing with our agency. They shall follow our officers.

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1031.8.4 GRAVESIDE

(a) Agency officers will be directed to a specific area at the gravesite. All members are to report to the designated area and stand together for the graveside services.

(b) Command staff personnel may have a separate dignitary section to report to.

(c) An Honor Guard member will be assigned to the agency area to call cadence.

1031.9 DEATH OF AN AGENCY CIVILIAN EMPLOYEE

Upon the death of a civilian employee, the Office of the Sheriff will complete the following tasks:

(a) The Inspector shall notify the Office of the Sheriff of the death of a civilian employee.

(b) An announcement with funeral arrangements shall be sent to the agency from the Office of the Sheriff.

(c) A floral arrangement with a card shall be sent to the family expressing condolences from the Sheriff and the command staff.

(d) A posthumous Certificate of Recognition in recognition for the service rendered to the agency until the time of death shall be presented to the surviving family members.

(e) A notice shall be sent to the agency chaplain to ensure contact is made with the family and the former employee's co-workers who may wish or feel the need to talk to the chaplain.

(f) A letter shall be sent from the Sheriff to the family on the first anniversary and/or holiday season after the employee's death. This acknowledgement is to let the family know their loved one is remembered and missed by his/her friends and co-workers at the Agency.

(g) The employee's agency identification shall be mounted in a plaque and presented to the family.

1031.10 DEATH OF A RETIRED MEMBER

(a) An announcement with the funeral arrangements shall be sent to the agency from the Office of the Sheriff.

(b) The Office of the Sheriff will notify the Honor Guard Coordinator, who in turn will contact the deceased’s family to determine if the agency Honor Guard or an escort is requested.

(c) The Honor Guard will coordinate with the family for honors requested. The Honor Guard may provide casket detail, taps, flag folding, and a firing squad. The firing squad may also be provided by the military, which may be coordinated through the Honor Guard or by the family.

(d) The Sheriff may grant an escort for the funeral procession.

(e) A floral arrangement with a card shall be sent to the family expressing condolences from the Sheriff and the command staff.

1031.11 CONFIDENTIAL INFORMATION FORM

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1031.11.1 PURPOSE

In order to allow the agency to respond in a dignified and sincere manner in the event of an untimely duty-related death or serious injury, while still protecting the rights and concerns of the immediate family, a confidential information form may be kept for each officer.

1031.11.2 PROCEDURE

All officers will be given the opportunity to fill out a confidential information form, which will contain information on whom to contact, where they work, where certain papers (e.g.: wills, insurance policies) are kept.

The filling out of this form is to be on a voluntary basis only. No pressure or demands will be placed on any officer to fill out the form.

(a) When filling out this form, officers will be provided an unusual-colored envelope to place the completed form into.

(b) The envelope will have his/her name on it.

(c) There will be a second nametag in the envelope to be used to seal the envelope once the completed form is placed into it.

(d) Officers will be encouraged to seal the envelopes in any other manner he/she feels comfortable with.

(e) Envelopes will be marked with “DO NOT OPEN EXCEPT IN THE CASE OF ON-DUTY DEATH OR SERIOUS INJURY.”

(f) Officers will forward the completed and sealed envelopes to the Office of the Sheriff - Training Academy.

1031.11.3 LOCATION

(a) The confidential information envelopes will be maintained in a locked file at the Training Academy. This envelope will only be opened in the case of a duty-related death, serious injury, or with the express written permission of the officer.

(b) Only those officers assigned to make notification, in the event of a duty-related death or serious injury, will use the information contained on the confidential information form.

(c) Any person who improperly gains information from these forms will be severely disciplined.

(d) Officers who have voluntarily provided this confidential information form will be responsible for updating this information as necessary.

(e) Officers may inspect their personnel files twice per year (Wis. Stat. § 103.13(2)). All officers are encouraged to check that the confidential information envelope has not been tampered with.

(f) This envelope will be returned to the officer at any time upon his/her written request, upon retirement, or upon termination from the agency.

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Wellness Program

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for agency members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as mental health and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

Additional wellness information is available through Milwaukee County Human Resources.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1032.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for agency members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1032.3 PEER SUPPORT COORDINATOR

The Sheriff should appoint a Peer Support Coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

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1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for agency peer support mentors, such as:

1. Peer support mentor selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support mentors and those seeking service.
5. Monitoring and mitigating peer support mentor emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for agency peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Providing referrals to the Employee Assistance Program (EAP) for appropriate diagnosis, treatment, and follow-up resources.

(g) Obtaining written procedures and guidelines for referrals to EAP, or mandatory participation in EAP.

(h) Providing training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

1032.4 AGENCY PEER SUPPORT

1032.4.1 PEER SUPPORT MENTOR SELECTION CRITERIA

The selection of a agency peer support mentor will be at the discretion of the coordinator. Selection should be based on the mentor's:

- Desire to be a peer support mentor.
- Experience or tenure.

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- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Ability to keep confidential information.
- Evaluation by supervisors and any current peer support mentors.

1032.4.2 PEER SUPPORT MENTOR RESPONSIBILITIES
The responsibilities of agency peer support mentors include:

(a) Providing pre- and post-critical incident support.

(b) Maintaining peer support confidentiality.

(c) Presenting agency members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(d) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to agency-designated resources in situations that are beyond the scope of the peer support mentor's training.

(e) Tracking non-confidential statistical data on program use.

1032.4.3 PEER SUPPORT MENTOR TRAINING
An agency peer support mentor should complete agency-approved training prior to being assigned.

1032.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator, or in their absence the involved member's Bureau Inspector, is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support mentors and those directly involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Agency, including supervisory and Professional Standards Division personnel.

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1032.6 PEER SUPPORT COMMUNICATIONS

Although the Agency will honor the sensitivity of communications with peer support mentors, there is no legal privilege to such communications.

1032.7 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the agency's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
  - Mentor used
  - Type of contact (e.g. financial, mental health, family)
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff, or authorized designee for review and consideration of updates to improve program effectiveness.

1032.8 TRAINING

The coordinator or the authorized designee should collaborate with the Training Director to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of agency wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Director as appropriate for inclusion in training records.

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Expectation of Privacy

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide member guidance in their expectation of privacy while on Milwaukee County Sheriff's Office property or during the performance of their duties.

1033.2 POLICY

Members shall not store personal information or belongings with any expectation of personal privacy in lockers, desks, vehicles, file cabinets, computers, or any area under Milwaukee County Sheriff's Office control and management. While the need to occasionally store personal items on Milwaukee County Sheriff's Office premises is recognized, members shall be aware that any area may be entered and/or inspected for internal investigation requirements in order to ensure security, meet operational needs, or any other reason at the direction of the Sheriff or the authorized designee.

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Load-Bearing Outer Vest Carrier Procedure

1034.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members with the requirements for the approval, proper use, and wearing of a load-bearing outer vest carrier. Employees should also refer to the following policies:

- Agency-Owned and Personal Property
- Body Armor
- Uniform Regulations
- Firearms

1034.2 POLICY

The policy of the Milwaukee County Sheriff’s Office is to allow uniformed officers the option of purchasing a load-bearing outer vest carrier. The advantage to the uniformed officers is the ability to move essential equipment off of his/her Sam Browne belt (which places weight and stress on the hips and lower back) and the ability to carry additional equipment on the load-bearing outer vest carrier which currently may not fit on the Sam Browne belt.

1034.3 GENERAL CONSIDERATIONS

Uniformed officers must recognize that moving their equipment off of their Sam Browne belts may slow their reaction time when retrieving their equipment. Three- to five-thousand repetitions will be required before locating their equipment becomes automatic.

Load-bearing outer vest carriers may make zipping foul- or cold-weather gear impossible. If a jacket is able to be zipped over a load-bearing outer vest carrier, all of the equipment on the carrier becomes inaccessible to the uniformed officer.

Movement, particularly into and out of a squad car, may be hampered or slowed by the load-bearing outer vest carrier.

1034.4 APPROVAL

Authorization to wear a load-bearing outer vest carrier is at the discretion of the Training Academy Director or the authorized designee. A uniformed officer wishing approval to wear a load-bearing outer vest carrier must report to the Training Academy and present his/her equipment mounting configuration and completed authorization form. A uniformed officer must demonstrate both equipment retrieval and retention while it is mounted on the load-bearing outer vest carrier.

1034.5 PROHIBITIONS

No uniformed officer may carry his/her duty firearm on a load-bearing outer vest carrier. Knives or edged weapons must be concealed. Equipment mounted on the load-bearing outer vest carrier

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must not interfere with the drawing or holstering of the duty firearm. Back-up firearms must be concealed and carried in a manner which is in compliance with the Firearms Policy.

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Member Complaint Reporting Procedure

1035.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members guidance in reporting formal complaints against another member. The Agency shall attempt to ensure confidentiality of all parties involved in order to protect the complainant and subject of the complaint from harassment and/or retribution.

Refer to the Personnel Complaints Policy for additional guidance.

1035.2 PROCEDURE

1035.2.1 MEMBER RESPONSIBILITIES

Any member that wishes to file a formal complaint against another member shall author the initial complaint on a memorandum and provide it to his/her immediate supervisor, unless that supervisor is the subject of the complaint. If the immediate supervisor is the subject of the complaint, the memorandum should be delivered to the person at the next level of supervision in the chain of command. A member who is uncomfortable with this process may report the complaint to the Office of Professinal Standards, his/her Human Resources Business Partner, or the Milwaukee County Employee Relations Hotline (414-278-2000).

1035.2.2 SUPERVISOR RESPONSIBILITIES

A supervisor receiving information regarding an alleged violation shall determine if there is any basis for the allegation, and if there is, he/she shall promptly notify the Office of Professional Standards Division and forward all received memorandums.

Refer to the Discrimination/Harassment and the Anti-Retaliation policies for additional guidance.

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Cadet Post 890 Procedure

1036.1 PURPOSE AND SCOPE

The mission of the Public Safety Cadets is to mentor young adults to serve their communities by providing knowledge, skills and practical experiences through education and training delivered by public safety professionals that build character, physical fitness, and respect for the rule of law and human and civil rights. The vision statement of the organization is preparing young adults for careers and leadership in the public safety profession. Through their involvement in the program, young adults, referred to as Cadets, develop an awareness of the purpose, mission, and objectives of public safety organization.

1036.2 OBJECTIVES

- To provide a program of leadership, ethics and career preparation training that educates young adults on the purpose, mission and objective of public safety organization.
- To provide an opportunity for cadets to perform community service, gain practical experience, development leadership skills, participate in career skills competitions and team building recreational activities.
- To help prepare Cadets to become better citizens and community members through character development, physical fitness, good citizenship and patriotism.
- To help build a recruitment pipeline and pathway to employment in the public safety profession.

1036.3 FUNCTIONS

- Regular meetings held at which representatives of various public safety entities (federal, state, county and local) provide Cadets with career preparation training and practical, hands-on, activities.
- Ride-Along Program set at the discretion of the agency administration.
- Career preparation/ training, physical fitness, practical experience as well as competitive and recreational activities
- Cadets under supervision may be included in community outreach, crime prevention, traffic/crowd control, records management, and telecommunications.

1036.4 ELIGIBILITY

- Enrollment available to young adults ages 14 to 20 years of age and to "age out" at their 21st birthday.
- The Agreement and Legal Waiver Form must be signed/ executed by the parents or legal guardian/ unless cadet is of legal age to sign. MCSO background Information form must also be completed.

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- Must put in writing minimum of 500 words or more why they are interested in MCSO's cadet program and why they should be selected.
- Must not have a prior conviction for a significant criminal offense or serious traffic offense.
- Must demonstrate and maintain a minimum of 2.0 cumulative grade point average (GPA) in high school or post-secondary schooling to remain in the unit.
- Must undergo a thorough background review to assess character and integrity that may include interviews with neighbors, teachers, and employers. Background checks done at the discretion of the Lead Post advisor.
- No undisclosed physical limitations that would prevent participation in the program and organized physical fitness activities.
- Public Safety Cadets does not discriminate based on sex, race color, ancestry, religion, national origin, age, disability, sexual orientation, gender identity, gender expression, medical condition, or any other characteristics protected by federal and state law.

1036.4.1 TRAINING CURRICULUM

Training curriculum may include, but is not limited to the following:

(a) The History of Public Safety and Policing

(b) Patrol Procedures

(c) Criminal Law

(d) Juvenile Law

(e) Arrest, Search & Seizure

(f) Report Writing

(g) Crisis Intervention

(h) Ethics

(i) Physical Fitness

(j) Self-Defense

(k) Respond to Resistance

(l) Firearms Safety

(m) Traffic Control/ Crowd Control

(n) Accident Investigation

(o) Traffic Stops-Misdemeanor / Felony

(p) Basic First Aid and Cardiopulmonary Resuscitation

(q) Radio Communication Procedures

(r) Crime Prevention Techniques

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(s) Crime Scene Search Techniques

(t) Public Relations/ Community Outreach

(u) Dangerous Drugs and Narcotics

(v) Human and Civil Rights

1036.5 SEPARATION FROM PROGRAM

Cadets needing to exit the program will do so in writing to the Lead Post Advisor detailing reason for exit. They will turn in all MCSO/ Cadet related equipment and uniforms. Cadets who miss 3 consecutive unexcused scheduled meetings are subject to be discharged at the discretion of the lead post advisor. Cadets involved in a serious criminal/ traffic offense or any other inappropriate conduct outside of the mission of the program will be discharged immediately.

Interested candidates can contact 414-278-5195 or email: Kristine.rodriguez@milwaukeecountywi.gov

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Overtime Procedure

1037.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies, correctional officers, and their supervisors guidance on voluntary and mandatory overtime.

1037.2 DEFINITIONS

Definitions related to this policy include:

Anticipated overtime - notice of availability will be published with an end date / time for consideration and will be granted based on this procedure.

Unanticipated overtime - overtime with notice of less than 8 hours will be published and overtime granted to the first response(s).

1037.3 PROCEDURES

The following procedures will be followed unless a temporary or contractual written agreement between MCSO administration and an employee workgroup is signed.

1037.3.1 DEPUTY/CORRECTIONAL OFFICER RESPONSIBILITIES

- Employees wishing to sign up for voluntary overtime shall place their name on the designated sign up for the overtime they request.
    - If off-duty and called in for voluntary overtime, the employee must report in a reasonable amount of time.
- Employees shall notify the supervisor if they wish to be removed from the voluntary overtime sign up prior to the overtime being assigned.
- Once assigned overtime (e.g. voluntary or mandatory overtime) the employee shall work the assignment or may find a suitable replacement with supervisor approval.
    - Failure to report for assigned overtime may result in discipline.
- An employee who volunteers to take a mandatory overtime assignment from another employee does not receive credit for working a mandatory overtime assignment for the shift taken.
- Employees working a shift extension will receive credit for a mandatory overtime assignment after 2.5 hours.
- Once assigned mandatory overtime, the employee shall notify the supervisor if another agency assignment conflicts with the assigned overtime.
- Employee's shall notify their supervisor if they anticipate exceeding 16 hours consecutively worked. (see the Fitness for Duty Policy for further guidance)
- Any mandatory overtime in excess of thirty-two (32) additional hours worked in a pay period will require the advanced approval of the Sheriff or his designee.

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- Employee's are not permitted to work overtime during personal, holiday, or compensatory time off.
- Employee's may volunteer for overtime during a vacation period but they are not subject to mandatory overtime during vacation periods.

1037.3.2 SUPERVISOR RESPONSIBILITIES
For voluntary overtime assignments, supervisors shall:

- Each shift within each division shall maintain a voluntary overtime sign up list, either written or electronic.
- Voluntary overtime for a shift/division shall be assigned to the most senior person in this order:
  - Same shift and division
  - Same division
  - Out of division
- Voluntary overtime for an agency wide assignment shall be assigned to the most senior person.
- A supervisor shall attempt to call an employee who is off-duty but on the voluntary overtime list for an immediate unfilled vacancy.

Mandatory overtime will be assigned where no one signed up for voluntary overtime. For mandatory overtime assignments, supervisors shall:

- Each shift within each division shall assign mandatory overtime to the employee with the most time passed since last mandatory assignment worked in this order:
  - Same shift and division if anticipated overtime (loss of off day)
  - Prior shift to vacancy and same division if unanticipated overtime
  - Agency wide
- Mandatory overtime for an agency wide assignment shall be assigned to the employee with the most time passed since last mandatory assignment worked.

For known special event overtime where shift hours or workdays will differ than normal assignments, supervisors shall give 2 weeks' notice to employees assigned to the special event.

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Uniform and Equipment Specifications Manual

1038.1 PURPOSE AND SCOPE

The purpose of the uniform and equipment specifications manual is to designate the authorized equipment and uniform specifications. Employees should also refer to the following policies:

- Uniform Regulations
- Personal Appearance Standards

1038.2 DEPUTY SHERIFFS

The approved uniform and equipment for deputies consists of the following.

1038.2.1 ISSUED UNIFORMS

The following uniforms are issued to deputies upon hire and approved for wear:

- TDU® black pants- (2) pair
  - 5.11 TDU® 74004
- Garrison belt- (1) black with silver buckle
  - Boston Leather 6605
- Recruit t-shirt- (3) gray
  - Academy use only
- Recruit Physical Training (PT) Uniform - (1) each shorts, sweatshirt, sweatpants
  - Academy use only

The following uniforms are issued to deputies upon completion of certification and approved for wear:

- Long-sleeve shirt- (3) black with shoulder patches (gray long-sleeve was last issued in 2017)
  - Spiewak men's SPW75Z, women's SPW76Z
- Short-sleeve shirt- (3) black with shoulder patches (gray short-sleeve was last issued in 2017)
  - Spiewak men's SPW70Z, women's SPW71Z
- Dress pants- (2) pair black hidden cargo
  - Spiewak SPW27K
- Winter jacket soft shell (1) and outer shell (1) black with shoulder patches
  - Spiewak S138Z and SH3466
- Clip-on tie- (1) black with silver tie clasp
  - SamBroom 455

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- Garrison hat- (1) black with silver band
  - Bayly 10BO2A0
- Badge- (1) silver metal numbered
  - Symbol Arts, HAAS Badge & Emblem
- Hat badge- (1) silver metal
  - Schweizer, Symbol Arts, HAAS Badge & Emblem
- Body armor- (1) set includes front panel, back panel, conceal carrier, trauma plate
  - Safariland XT03
- High visibility vest- (1) traffic vest ANSI 207 standard with SHERIFF ID
  - Spiewak VMS912S
- Name plate- (2) sliver metal clutch back with black lettering
  - Blackinton 5/8" x 2 1/2" polished J3

1038.2.2 ISSUED EQUIPMENT

The following equipment is issued to deputies upon completion of certification and approved for wear:

- Sam Browne duty belt- (1) black plain
- Belt keepers- (4) black plain with nickel snap
- Holsters and Pouches
  - Firearm holster- (1) black Safariland 7360 ALS-SLS Level III
  - Magazine pouch- (1) black plain Safariland double magazine
  - OC holder- (1) black plain with nickel snap
  - TASER holster- (1) black plain with cartridge pouch
  - Baton ring- (1) black with nickel ring
  - Radio holster- (1) black plain
  - Handcuff case- (1) black plain with nickel snap
  - Tourniquet pouch- (1) black plain
- Handgun- (1) Sig Sauer P320 with 3 magazines (fully loaded)
- OC- (1) Saber Red Crossfire 3.0oz
- TASER- (1) T7 with 4 cartridges
- Wood baton- (1) 26" LAPD style with stopper
- Radio- (1) Motorola APX6000
- Handcuffs- (1) Smith & Wesson M-100

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- Tourniquet- (1) CAT or SOF-T
- Rescue Hook- (1) Benchmade
- Riot Helmet- (1) Premier Crown 906 series
- Identification cards- (1) each hanging ID, county ID, wallet ID, key card ID/FOB
- Weapon mounted light- (1) Streamlight TLR-1
- Guardian Angel- (1) 425 Inc.
- CPR mask- (1) clamshell

1038.3 PROMOTIONAL ISSUED ITEMS

All issued promotional items must be returned if the Temporary Appointment to Higher Classification (TAHC) is not made permanent by a Regular Appointment to Higher Classification (RAHC).

1038.3.1 DEPUTY SHERIFF SERGEANT

These items are issued upon TAHC.

- Silver chevron patches- (8) sets worn point of chevron 1/2" below shoulder patch
- Hat badge (must turn in previous rank)
- Badge (must turn in previous rank)

1038.3.2 DEPUTY SHERIFF LIEUTENANT

These items are issued upon TAHC.

- Gold shoulder patches– (8) sets
- Tie Clasp-Gold
- Garrison hat band-Gold
- Hat badge– Gold (must turn in previous rank)
- Badge (must turn in previous rank)
- Name Plate– (1) Gold
- Garrison belt buckle– Gold
- Duty Belt buckle- Gold
- Rank insignia pins– (2) sets (gold single bar)
- Rank insignia board– (1) set (for use with shirts or sweaters only) (gold single bar)
- Magazine pouch– gold snap
- OC Holder– gold snap
- Handcuff case– gold snap

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- Belt keepers– (4) gold snap

These items are issued upon RAHC.

- White long-sleeve shirt– (1)
- White short-sleeve shirt- (1)
- Dress blouse– single stripe

1038.3.3 DEPUTY SHERIFF CAPTAIN
These items are issued upon TAHC.

- Hat badge– Gold (must turn in previous rank)
- Badge (must turn in previous rank)
- Rank insignia pins– (2) sets (gold double bar)
- Rank insignia board– (1) set (for use with shirts or sweaters only) (gold double bar)

1038.3.4 INSPECTOR, CHIEF DEPUTY, AND SHERIFF
These items are issued upon promotion.

- Hat badge– Gold (must turn in previous rank)
- Badge (must turn in previous rank)
- Rank insignia pins– (2) sets
  - Inspector has 1 gold star, Chief Deputy has 4 gold stars, Sheriff has 5 gold stars
- Rank insignia board– (1) set (for use with shirts or sweaters only)
  - Inspector has 1 gold star, Chief Deputy has 4 gold stars, Sheriff has 5 gold stars
- Garrsion hat with gold filigree visor
- Dress blouse- Inspector has two stripes, Chief Deputy has four stripes, Sheriff has five stripes

1038.4 APPROVED UNIFORMS
The following uniform items are approved for personal purchase and wear:

- Turtleneck- black with approved rank-appropriate colored embroidery "MCSO"
- Shorts for Parks assignments only- black cargo, knee length
- Foul weather pants- Weathertech Tactical Pant Black S1785
- Rain gear- black, outdoor use only
- Sweater with rank-appropriate colored shoulder patches- Combex Rib or Heavyweight
- Outer vest carrier- Safariland or others as approved
- Load Bearing vest- Academy approval required before wear is authorized

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- Undervest uniform shirt-for wear with outer carrier or load bearing vest only
  - Blauer Armorskin® base shirt or Spiewak Professional Base Layer shirt
  - Shirt chest, collar, and sleeves must be standard uniform material
- Baseball cap-black with approved rank-appropriate colored embroidery- Flexfit Pro-formance 147716
- Mouton hat- black
- T-shirts-white or black, crew or v-neck
- Beanie (winter hat) for outdoor use only- black fleece or other approved with rank-appropriate colored embroidery
- Ear muffs/ear band for outdoor use only- black fleece or other approved
- Rain cap cover for Garrison hat- black NE-475CCK or other approved

Captain and above are approved to purchase and wear a black single breasted overcoat with zip out Thinsulate liner available from Gall's (e.g. product JC369).

1038.5 APPROVED EQUIPMENT

The following equipment items are approved for personal purchase and duty use:

- Key holder
- Duty belt suspenders-black
- Whistle with chain in rank-appropriate finish (nickel or gold)
- Flashlight
- Timepiece
- Expandable baton
- Nylon belts and keepers-black
- Knives - See knife policy
- Back-up handgun- academy approval required before duty carry
- Triple magazine pouch-black Safariland Slimline (academy will issue (1) additional loaded magazine after proof of purchase)

1038.6 APPROVED PINS

The following pins are approved for wear. Unit specific pins are approved for wear by active members of that unit.

These pins are worn above the name plate on the right chest.

- SWAT
- MRT

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- Medal of Valor (may be worn centered on pocket flap)
- Medal of Honor (may be worn centered on pocket flap)
- Ceasefire
- Years of Service (attached to nameplate)
- K-9
- Motorcycle unit pin
- Bomb squad unit pin
- Honor guard unit pin
- Maritime unit pin
- Service Excellence pin
- Leadership Award pin (may be worn centered on pocket flap)
- CIT pin
- OWI enforcement pin
- OWI arrest recognition pin
- Other pins as approved in writing by the Sheriff or designee (submit request through chain of command to training director)

These pins are worn on the left collar.

- American flag

These pins are worn on the right collar.

- Memorial pin
- Service excellence pin
- Milwaukee Deputy Sheriff's Association (MDSA) pin
- Military branch pin

Lieutenants and above are approved to purchase and wear rank insignia on both collars. Rank insignia pins or boards are worn on epilates, collars, or both.

1038.7 UNIT PATCHES

These listed unit patches are approved for wear by active members of that unit. Unit patches are permitted on long-sleeve shirts, jackets, or sweaters and should be placed on the left forearm centered three inches above the sleeve cuff or one inch above any service strips.

- Bomb Squad
- K-9 unit
- Motor unit

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- MRT
- SWAT
- Sniper
- Instructor

1038.8 EMBROIDERY

Uniform shirts, sweater, jackets, outer carriers, and load bearing vests may be embroidered when the member is eligible to do so. The approved embroidery vendors are:

- Will Enterprises
- Gall's
- Streicher's

Badge and badge number are embroidered on the left chest. Name and two pins are embroidered on the right chest.

1038.9 SPECIALTY UNIT UNIFORMS AND EQUIPMENT

Specialty unit uniforms and equipment are for that specialty unit deployment only. Specialty unit uniforms and equipment are not for regular duty assignment unless noted or specifically allowed by another policy.

1038.9.1 BOMB SQUAD

These items are issued upon selection and certification as a bomb squad unit member.

- Short sleeve polo shirt- (2) embroidered
- Long sleeve polo shirt- (2) embroidered
- Cotton Jacket-embroidered with patches
- Tactical Helmet
- Tactical body armor with one plate
- Nylon Duty belt with drop holster and magazine pouch
- Motorola APX7000-approved for duty assignment use must turn in APX6000

These items are approved for personal purchase and use.

- BDU pants
- Cold weather gear (e.g. gloves, hats, sweatshirts, scarves)

1038.9.2 HONOR GUARD

These items are issued upon selection to the honor guard.

- Honor Guard Badge

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- Stetson hat with wreath pin
- Service Coat – Black with gold buttons
- Dress pant-Black with gold striping
- Duty belt-Black high gloss belt with holster, handcuff case, 2 keepers, and chest strap
- Shoulder cords-1 yellow, 1 black
- Ascots- 1 yellow, 1 black
- Gloves-1 pair white
- Sunglasses- 1 pair dark colored aviator style

1038.9.3 INSTRUCTOR

All Instructors are issued a black and white moisture wicking instructor shirt upon selection and certification as an instructor. These items are approved for personal purchase and use.

- Instructor Polo – black, gray, green, blue, red - firearms only
- BDU pants - green, gray, tan, or black
- Instructor hooded sweatshirt – green
- Athletic shoes with soft soles for physical activity instruction

1038.9.4 K-9 UNIT

These items are issued upon selection and certification as a K-9 handler.

- Outdoor kennel-6x10
- Indoor crate
- Doghouse
- 2 Stainless steel food dishes
- Spill-proof water bowl for squad
- 5-gallon container for water in squad
- Grooming brush
- No slip rubber mat for outdoor kennel – 27x20
- Leather 5-foot leash
- Nylon 15-foot tracking leash
- Tracking harness
- Dog rewards/toys for work/training
- Ballistic K9 vest donated by Vest-a-dog of WI

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- Food donated by Pet World Warehouse (1 bag/month)

1038.9.5 MARITIME UNIT
These items are issued upon selection to the maritime unit.

- Marina keys
- Boat keys
- Marina parking pass
- US Coast Guard Approved personal flotation device-kept on boat-required to be worn during deployment

These items are approved for personal purchase and use.

- Gray polo shirt-embroidered with shoulder patches-required
- BDU shorts
- Athletic shoes with soft soles

1038.9.6 MOTORCYCLE UNIT
These items are issued upon selection and certification as a motorcycle unit member.

- Helmet
- Headset with microphone
- Breeches-2 pair

These items are approved for personal purchase and use.

- Riding Boots-required
- Leather Jacket-Taylor's leatherwear Detroit cowhide Leather Vintage Style Motorcycle Jacket
- Gloves
- Rain Gear

1038.9.7 MRT
These items are issued upon selection and certification as a MRT member.

- Riot helmet w/ specialized neck flap and bubble shield
- Hard shell protective suit (chest, back, shoulder, full arm, full leg, foot, groin protection)
- Gas mask with 2 filters
- Gas mask carrier
- Large deployment backpack
- Hard shell protective fingerless gloves
- MRT ID number/tag

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- 36" wood baton
- Wireless radio earpiece

These items are approved for personal purchase and use.

- Long sleeve MRT shirt (blue, green, gray)
- Short sleeve MRT shirt (blue, green, gray)
- Additional protective gloves
- Secondary duty belt w/ baton ring

1038.9.8 SWAT

These items are issued upon selection and certification as a SWAT technician.

- Tactical ballistic vest
- Ballistic Rifle plates-2
- Various vest pouches
- Tactical helmet-OD green
- Noise canceling headset
- All-weather parka-black or green
- All-weather pants-black or green
- Velcro patches
- Nylon duty belt with drop down holster
- Motorola APX7000- approved for duty assignment use (must turn in APX6000)
- Push to talk radio pigtail
- Tourniquet and pouch
- Gas mask with filters
- Tavor X95 rifle with suppressor, 2 magazines and rifle case - approved for duty use on a case-by-case basis.
- Sniper only: rifle, scope, drag bag, cleaning rod, laser range finder

These items are approved for personal purchase and use.

- Tactical shirt-OD green
- TDU pants-OD green
- Tactical boots-Tan, green, or black
- Baseball cap-OD green or tan
- All-weather parka-OD green or tan

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- Gloves
- Glasses/goggles
- Cold weather apparel
- Elbow/knee pads
- In-ear headset
- Rifle mounted foregrip
- Rifle mounted light
- Sniper only- Camouflage apparel, Ghillie suit

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Chapter 11 - Court Operations

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Civil Process

1100.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Milwaukee County Sheriff's Office deputies guidance in the service of civil process within Milwaukee County.

1100.1.1 DEFINITIONS

Definitions related to this policy include:

Process - The writ or mandate that serves as the means used for bringing a defendant to court to answer in an action or proceeding, civil or criminal. In a broader sense, any writ, order, notice, summons, or other writing by which a court exercises its jurisdiction over the parties or subject matter of any action or proceeding.

1100.2 POLICY

The Milwaukee County Sheriff's Office shall adhere to the responsibilities required by Wis. Stat. § 59.27(4). The Sheriff or an authorized designee shall serve or execute, according to law, all process, writs, precepts, and orders issued or made by lawful authority and delivered to the Sheriff.

1100.3 DEPUTY RESPONSIBILITIES

Court action is initiated by the service of process. It is of the utmost importance that a deputy sheriff fully understands the meaning and importance of the papers he/she may be assigned to serve.

Failure to properly execute the service of process can subject a deputy sheriff to a lawsuit. A deputy is protected from lawsuit when he/she serves a paper that is "valid on its face."

A deputy shall not provide any legal advice or act as counsel.

A deputy shall demonstrate reasonable diligence (i.e., three attempts) in process serving.

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Court Services

1101.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Milwaukee County Sheriff's deputies by giving each deputy sheriff a basic knowledge of the duties and responsibilities of a bailiff.

1101.2 POLICY

The policy of the Milwaukee County Sheriff's Office Courts Division is to provide a safe and secure environment for the public, judiciary, and employees who are attending to business in the Milwaukee County Courthouse Complex and the Vel R. Phillips Juvenile Justice Center (JJC) (Wis. Stat. § 59.27).

1101.3 DEPUTY SHERIFF RESPONSIBILITIES

Deputies assigned to the Courts Division are responsible for:

- Opening and adjourning of the court
- Courtroom, JJC, and Courthouse Complex security
- Security and care of juries
- Inmate management
- Any judge's directives pertaining to efficient court operation

1101.4 HIGH SECURITY

The Sheriff's Office shall initiate high-security measures in the event of a sensitive trial or if the safety of the trial participants or the general public has been threatened or jeopardized.

1101.5 PROHIBITION ON PHOTOGRAPHING, RECORDING, OR BROADCASTING

At no time will cameras or recording equipment be permitted in a court without prior permission of the presiding Judge (Supreme Court Rule Chapter 61).

1101.6 SEQUESTRATION OF WITNESSES

Witnesses sequestered by order of the court shall be kept in a separate room and shall be summoned to the courtroom as required.

If directed by the court, deputies shall exclude other witnesses from the court upon their arrival.

1101.7 JURY TRIALS

Deputies shall consult with the trial Judge in regard to jury maintenance. Refer to the Jury Trials Procedure for additional guidance.

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In the event of a court ordered jury sequestration, the Sheriff's Office shall consult with the presiding court, the Chief Judge's Office, and the Clerk of Courts Office for all arrangements relative to the jury.

1101.8 PRISONER CONTROL AND TRANSPORTATION

Deputies are responsible for the safety and security of prisoners in the courtroom until they are returned to the Detention Bureau, Juvenile Detention Center, or turned over to transport deputies.

1101.8.1 COURTHOUSE COMPLEX RESPONSIBILITIES

See the Control of Inmate Movement Policy for additional guidance.

1101.8.2 HIGH-RISK RESPONSIBILITIES

Additional security measures may be taken for persons in custody that provide additional security risks (e.g., escape risks, disciplinary status, behavioral problems). During jury trials, deputies will utilize available security measures to balance the needs for inmate control with the court's requirement of a fair trial.

1101.8.3 JJC RESPONSIBILITIES

Deputies are responsible for all escorts of youth from the Detention Center to the courts at the JJC. It is the policy of the Milwaukee County Circuit Court, Children's Division that all juveniles in secure detention appear in court free from all restraints except when there are specific documented reasons to justify restraints. The use of restraints may only be used when ordered by the court to maintain order, decorum, and safety in the courtroom. The least restrictive means available will be utilized to ensure court room safety (Chief Judge Directive 20-01).

1101.8.4 PERSONS IN CUSTODY COMMUNICATION

Persons in custody shall not be allowed to communicate with anyone except the attorney representing them unless the presiding judge has directed otherwise.

Persons in custody at the JJC will be allowed non-contact visitations with agents from the Department of Human Services or any other professional who is assigned to the case by the court (e.g., Department of Social Services, guardian ad litem). No family members will be allowed visitation privileges.

1101.9 RELEASE OF PERSONS IN CUSTODY

No person in custody, except one temporarily detained upon order of the court, is to be released in the courtroom.

Refer to the Inmate Release From Custody Policy for additional guidance.

1101.10 PERSON IN CUSTODY ESCAPE

Deputies shall be prepared to identify and give a description of the person in custody including any identifying characteristics (e.g., walks with a limp, color and type of clothing worn, general area or building the prison escaped from, escape direction).

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Deputies shall complete all pertinent reports as soon as practicable.

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Electronic Restraints

1102.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application, supervisory oversight and restrictions on the use of electronic restraints on persons incarcerated in this facility, during transportation of inmates and during court appearances.

1102.2 POLICY

The Milwaukee County Sheriff's Office allows the use of agency-issued electronic restraints as provided in this policy.

1102.3 MEMBER RESPONSIBILITIES

Members shall successfully complete agency-approved training prior to using any electronic restraint device. Only agency-issued electronic restraint devices shall be used.

Members should perform a function test on the device prior to placing it on an inmate. The court supervisor shall ensure that all electronic restraint devices are properly maintained and in good working order.

When an electronic restraint device is used during a court appearance, the staff member should inform the court that an inmate with an electronic restraint device is present.

1102.3.1 INMATE NOTIFICATION

Once the electronic restraint device is in place, the deputy shall read the individual the Electronic Immobilization System In-Custody Notification form.

- The notification form shall be read to the individual in the presence of a witness.
- Upon reading the form, the deputy shall sign and complete the form.
- The witness shall countersign the form.
- Completed forms shall be retained in a file designated for that purpose along with a copy of the incident report.

1102.4 VERBAL WARNING

A verbal warning of the intended use of the electronic restraint device should precede its application, unless it would otherwise endanger the safety of staff members or when it is not practicable due to the circumstances. The warning is intended to provide the inmate with an opportunity to comply. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the member deploying the device.

1102.5 APPLICATION

Prior to applying the electronic restraint device to an inmate, the member should describe its operation and caution the inmate about behaviors that may result in its activation.

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Although the electronic restraint device is generally effective in controlling most inmates, members should be aware that it may not achieve the intended result, and that they should be prepared with other options.

The electronic restraint device may be used in the following circumstances, when the circumstances perceived by the member at the time indicate that such application is reasonably necessary to prevent self-injury, suicide, escape, injury to others or property damage.

1102.5.1 MULTIPLE APPLICATIONS
Members should activate the electronic restraint device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of an electronic restraint device or for more time than is necessary to control the inmate are generally not recommended and should be avoided unless the member reasonably believes that the need to control the inmate outweighs the potentially increased risk posed by multiple applications.

If the first application of the electronic restraint device appears to be ineffective in gaining control of an inmate, the member should consider certain factors before additional applications, including whether the inmate has the ability to comply and has been given a reasonable opportunity to comply.

1102.5.2 SPECIAL CONSIDERATIONS
Electronic restraint devices should not be used on:

(a) Inmates who are known to be pregnant.

(b) Elderly or frail inmates.

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

(d) Inmates with a known heart condition.

Because the application of the electronic restraint device relies primarily on pain compliance, its use generally should be limited to a distraction technique to gain separation between the member and the inmate, or to disrupt an inmate's violent or unruly behavior, thereby giving members time and distance to consider other force options or actions.

The electronic restraint device shall not be used to psychologically torment, elicit statements, retaliate against or punish any inmate.

1102.6 DOCUMENTATION
Members shall document each incident where electronic restraints are placed on an inmate or are activated. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional activations will also be documented.

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1102.7 MEDICAL TREATMENT

All inmates who have been subjected to the electric discharge of an electronic restraint device should be examined by a qualified health care professional before further incarceration.

If any inmate refuses medical attention, such a refusal should be witnessed by another staff member and/or medical personnel and shall be fully documented.

Members shall inform any person providing medical care or receiving custody that the inmate has been subjected to the activation of an electronic restraint device.

1102.8 SUPERVISOR RESPONSIBILITIES

Supervisor approval is necessary before an electronic restraint device is placed on an inmate. A supervisor should respond to all incidents where an electronic restraint device was activated.

A supervisor should review each incident where an inmate has been exposed to an activation of an electronic restraint device. Any onboard memory should be downloaded by a supervisor and retained with the inmate’s file.

Photographs of contact sites should be taken and witnesses interviewed.

1102.9 TRAINING

Training should be consistent with recommendations made by the particular device manufacturer or any state requirements.

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Public Safety Officers

1103.1 PURPOSE AND SCOPE

The purpose of this policy is to provide public safety officers (PSO) guidance in their role and responsibilities while assigned to the Courthouse Complex and the Vel R. Phillips Juvenile Justice Center (JJC).

1103.2 POLICY

Public safety officers are responsible for maintaining the safety and security of the entrances and exits of the Courthouse Complex and JJC.

1103.3 PSO RESPONSIBILITIES

Public safety officers are supervised by the Public Safety supervisor who reports to the Courts Division Captain or the authorized designee. The responsibilities of a public safety officer include but are not limited to:

(a) Operating weapons screening stations

(b) Monitoring pedestrian traffic in selected locations

(c) Verifying employee or professional credentials for a person attempting entry

(d) Responding to emergencies

(e) Disseminating information to supervisors and other members as appropriate

(f) Investigating and reporting disturbances, fire and safety hazards, suspicions persons, and building conditions requiring maintenance and/or service attention

(g) Recognizing and reporting observed breaches in established security procedures

(h) Assisting visitors within county facilities to locate needed offices or service locations

(i) Calling for medical or other emergency assistance and providing first aid in medical emergencies

(j) Assisting the public and Sheriff's Office with any other problems that may arise

(k) All other duties and responsibilities of the position descriptions and classifications

1103.3.1 PSO SUPERVISOR RESPONSIBILITIES

The responsibilities of the PSO supervisor include but are not limited to:

(a) Supervise and direct PSOs at the security screening stations at the Courthouse Complex and JJC.

(b) Direct and oversee daily security and safety issues within the Courthouse Complex and JJC.

(c) Assist the Courts Division Captain with emergency preparedness and planning within the Courthouse Complex and JJC.

(d) Monitor video surveillance of the Courthouse Complex and JJC.

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(e) Ensure preventative maintenance of the screening equipment and complete all associated documentation.

1103.4 PROHIBITED ITEMS

The following is a partial list of items possessed by individuals (exclusive of law enforcement personnel) that shall not be allowed into the facility. Public safety officers shall contact their direct supervisor regarding the prohibition of other articles not appearing on this list. Prohibited items include, but are not limited to:

- Firearms
- Flammable or explosive materials
- Martial arts weapons
- Tools unless the person is an authorized contractor
- Mace, pepper spray, or other chemical agents
- Box cutters, razor blades, and sharp-pointed objects
- Pellet guns, BB guns, or replica firearms
- Skateboards, roller blades or roller skates, bicycles, mopeds, motorcycles, except those owned by the County or bicycles used for commuting purposes by county employees
- Ammunition
- Electric weapons
- Knives
- Brass knuckles
- Swords or sabers
- Club-like items (e.g., batons, baseball bats, golf clubs)
- Other dangerous instruments
- Any equipment, apparatus, or machine failing to comply with local fire codes, unless exempt
- Any personal property that if utilized would interfere with an electrical or mechanical building system without permission from Facility Director

If a prohibited item is discovered, the person should be instructed that the item is not allowed, and he/she cannot enter while in possession of it. Public safety officers shall not store supplies, goods, or materials for other persons.

1103.4.1 VOLUNTARY FIREARM SURRENDER

Occasionally, a person that has been ordered by the court not to possess a firearm due to a temporary restraining order or injunction will voluntarily surrender firearms to the Sheriff. Public safety officers need to be aware that a person may attempt to gain entry at a security screening

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station in order to surrender firearms to the Sheriff's Office. A deputy should be requested to assist. Refer to the Voluntary Firearm Surrender Procedure for additional guidance.

1103.5 EMERGENCY EVACUATION PLAN

The Court Service Captain and Public Safety supervisor should ensure that evacuation plans are maintained and updated as needed. The PSOs are responsible to know their evacuation assignments.

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Evictions and Foreclosures Procedure

1104.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies with guidance in the execution of Writs of Restitution or Assistance in accordance with Wis. Stat. §799.45.

1104.2 POLICY

The Milwaukee County Sheriff's Office is the only law enforcement agency who, by statute, has the authority to evict someone from their residence after either a Writ of Restitution or a Writ of Assistance is obtained and signed by a Circuit Court Judge.

1104.3 DEFINITIONS

Eviction – a civil action by a person entitled to the possession of real property to remove therefrom any person who is not entitled to either the possession or occupancy of such real property. Wis. Stat. §799.40(1)

Writ of Assistance – (eviction of a homeowner due to foreclosure, eviction of a tenant renting the home from the homeowner) a written order issued by a court and directed to the sheriff. Must be served within sixty (60) days from the date of receipt.

Writ of Restitution – (eviction of a tenant from a rental property) a written order issued by the court and directed to the sheriff after a court order that a plaintiff is entitled to possession of real property in an eviction action. Must be served within ten (10) days from the date of receipt.

1104.4 PROCEDURE

The plaintiff shall deliver an original copy of the Writ of Restitution/Assistance to the Civil Process Unit (CPU) clerical window. The Writ shall contain the appropriate Court Seal along with a Judge's, Court Commissioner's, or their clerk's signature. Such Writs will be received Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

1104.5 CLERICAL RESPONSIBILITIES

When the plaintiff or their agent delivers the original copy of the Writ to the CPU window, the CPU clerk will process it in the following manner:

(a) Payment must be provided (e.g. check, credit card, cash) for service fees and deposits.

1. Service fees are determined by MCSO
2. A deposit representing the probable cost for all moves and/or standby time shall accompany all Writs.
3. Checks shall be made out the Milwaukee County Sheriff's Office

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(b) Obtain information regarding the disposition of any personal property that was not removed by the defendant. (Wis. Stat § 799.45(3m)) The plaintiff has three options for handling of property:

1. Utilize a bonded mover chosen and hired by the Plaintiff to handle the removal of personal property
2. Plaintiff can move and store the property or dispose of it, and can request MCSO to stand by during this process (a deposit for deputy stand-by time will apply)
3. Plaintiff can move and store the property or dispose of it without a bonded mover and without MCSO standing by.

(c) Enter into RMS

The CPU clerk shall note the date and time the Writ is processed on the Writ. The CPU clerk shall send a mailed letter to the defendant notifying them that MCSO has received a court order Writ of Restitution/Assistance. That letter shall include resources to assist the evicted tenant.

Once the eviction is completed, the Writ will be closed in RMS by the CPU clerk who will forward the following paperwork:

- The Original Writ is returned to the Clerk of Courts after it is closed
- The Billing card is forwarded to Fiscal
- The Process Report (Form 50-A) is filed in the CPU office

1104.6 DEPUTY RESPONSIBILITIES

Deputies shall execute the Writ:

(a) Prior to executing the Writ, deputies shall check CCAP to ensure a stay of the Writ was not ordered by the court.

(b) Within 10 days (Excluding holidays and weekends) of the receipt of the Writ of Restitution or 60 days of the receipt of the Writ of Assistance, the deputy shall execute and perform all the duties of the Writ.

1. When practicable after the Writ is executed, return the Writ to the CPU clerk with the billing card of the expenses and charges incurred in the execution of the Writ.

At least two (2) deputies shall be present at a every eviction/foreclosure. Upon arrival at the listed address:

(a) Ensure they are at the proper address as listed on the Writ

(b) Contact dispatch with the address and advise of the attempted eviction

(c) Document on the process report form (MCSO Form-50-A):

- time of arrival,
- address verification,

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- when movers arrived, if applicable
- landlord/plaintiff and tenants on scene or their absence

(d) knocking loudly on the door/doorbell and announcing themselves as "Sheriff's Office."

(e) Activate body cameras for the duration of an eviction and while inside the residence.

(f) Deputies should not touch or move any property except as outlined below.

In the event the Writ is Returned Without Service (R.W.O.S.) the deputies shall note on the Writ, Process Form (Form 50-A) and billing card and return the paperwork to the CPU clerk. The Deputies shall notify OEM dispatch of the RWOS. The reason for the RWOS shall be noted on all paperwork. Reasons for RWOS may include but are not limited to; tenant/landlord settlement on sight, wrong address listed on Writ and not corrected within 10 days, Plaintiff withdraws Writ.

If the residence is occupied at the time of eviction, deputies:

(a) Shall state the reason for being at the residence (court ordered eviction).

(b) Shall provide the defendant/residents a short, but reasonable amount of time to gather important items and vacate the premises, if safe to do so.

(c) Shall remove the defendant and all persons found upon the premises.

(d) May allow the defendant/occupants to remove property or stand-by in the home.

(e) May temporarily confiscate any firearms located in the residence but must return them to the owner after completion of the eviction.

If the residence is not occupied at the time of eviction, deputies:

(a) Shall contact the landlord/plaintiff to seek permission to force entry into the residence.

(b) Shall notify a supervisor and OEM dispatch via radio that the residence will need to be breached, if safe to do so.

(c) If deputies believe that a person is inside the residence but not answering the door, deputies shall notify the supervisor. The supervisor should respond to the scene to oversee the breach.

(d) Advise OEM communications when they are entering the residence.

(e) Deputies shall search the residence for any occupant using trained and safe techniques.

(f) If a firearm is observed in plain sight or the movers locate a firearm and notify a deputy, the deputies shall:

1. Make the firearm(s) safe
2. Conduct a query through OEM communications for any records
3. Log the firearm through OEM communications including time, location, make and model
4. Include the firearm in the process report (Form 50-A)

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5. If movers are present, return the firearm to the movers for storage
6. If no movers are present, the deputies shall take possession of the firearm, complete a found property RMS report, and properly store the firearm. See the Property and Evidence Policy for further guidance.

(g) If currency is located in plain sight, the deputies shall:

1. Log the item(s) with OEM Communications to include a description, value, location, time, and disposition (e.g. turned over to movers if present, retained for safekeeping in the absence of movers).
2. Currency kept for safekeeping shall be turned over to the cashier. The cashier shall issue the deputy a receipt.
3. The deputy shall complete a found property RMS report, and properly store the currency receipt.See the Property and Evidence Policy for further guidance.
4. Include the currency in the process report (Form 50-A)

(h) Deputies that locate illegal drugs or other contraband shall seize them and shall complete an evidence RMS report, and properly store the illegal substances. See the Property and Evidence Policy for further guidance. Conduct appropriate investigation.

(i) Deputies shall document the above information on the process report (Form 50-A)

In the event that minor children are located at the residence without a parent or legal guardian present, the deputies shall notify a supervisor and notify Child Protective Services (CPS). See the Child and Dependent Adult Safety Policy for further guidance.

Deputies shall post the eviction notice, including date/time completed, on the door of the residence and notify dispatch of the completed eviction. Document on the Process Report (Form-50-A) that the eviction was completed.

When the eviction is complete, the deputy shall complete the following paperwork and turn it over to the CPU clerk:

- Writ of Restitution/Assistance (enter as applicable)
  - Date/Time executed
  - Deputy signature
  - Defendant
  - Personal Property
  - RWOS
- Process Report (Form 50-A) at minimum but not limited to:
  - time of arrival,
  - address verification,

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- when movers arrived, if applicable
- landlord/plaintiff and tenants on scene, or their absence
- Door breach, if applicable
- Supervisor arrival, if applicable
- Firearms, Currency, illegal drugs or contraband, if applicable
- Date/Time/Location that eviction notice is posted
- Date/time turned in to CPU clerk

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Writ of Replevin Procedure

1105.1 PURPOSE AND SCOPE

The purpose of the procedure is to provide deputies with guidance in the execution of a Writ of Replevin.

1105.2 POLICY

The Milwaukee County Sheriff's Office will execute a Writ of Replevin in accordance with Wis. State Statutes Chapter 810.

1105.3 DEFINITIONS

Replevin – an action to regain property unlawfully held or retained by another. A Post Judgment Replevin is ordered by the courts after a judgment has been imposed. This Writ is then directed to the Sheriff of the County where the items are located. and must be executed within sixty (60) days of receipt.

1105.4 PROCEDURE

The plaintiff shall deliver an original copy of the Writ of Replevin to the Civil Process Unit (CPU) clerical window. The Writ shall contain the appropriate Court Seal along with a Judge's, Court Commissioner's, or their clerk's signature. Such Writs will be received Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

1105.5 CLERICAL RESPONSIBILITIES

When the plaintiff or their agent delivers the original copy of the Writ to the CPU window, the CPU clerk will process it in the following manner:

1. Verify the Writ:
   - (a) It must be a valid writ.
   - (b) It must be directed to the Sheriff of Milwaukee County
   - (c) It must give a detailed description of the property to be seized, including identification numbers if available
   - (d) It must be signed by the Clerk of Courts, Judge or Court Commissioner
   - (e) It must provides the necessary Plaintiff and Defendant information
2. Payment must be provided (e.g. check, credit card, cash) for service fees
   - (a) Service fees are determined by MCSO
   - (b) Checks shall be made out the Milwaukee County Sheriff's Office
3. Create a docket number
4. Enter the writ into RMS

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The CPU clerk shall note the date and time the Writ is processed. Once the Writ is executed, The Writ will be closed in RMS by the CPU clerk who will forward the following paperwork:

1. The original Writ must be returned to the Clerk of Courts within sixty (60) days whether it has been satisfied or not
2. The Billing card is forwarded to fiscal
3. The Process Report (Form 50-A) is filed in the CPU office

1105.6 DEPUTY RESPONSIBILITIES

Deputies shall execute the Writ within 60 days of receipt of the Writ.

Prior to executing the Writ, Deputies shall:

1. If vehicles are to be taken, verify the VIN's through DOT.
2. Contact the Plaintiff to determine
   (a) Who is to move the property
   (b) Where it is to be taken for storage/safekeeping.

There is no requirement to serve the defendant prior to seizing the property.

Upon arrival at the location:

1. Contact dispatch with the address and advise on the attempted execution of the Writ
2. Activate Body Camera for the duration of the time on scene
3. Document on the process report form (MCSO Form 50-A)
   (a) Time of arrival
   (b) Address
   (c) Plaintiff/defendants on scene, if applicable
4. Locate listed property
   (a) If property is unsecured, accessible, or consent is given by an authorized party; secure the property
      i. If the deputy contacts the defendant, a copy of the writ can be given as a courtesy. If not able to contact the defendant upon seizure of property, the deputy can leave a copy of the writ in a conspicuous place.
      ii. the deputy can ask OEM dispatch to notify the local police jurisdiction of the seizure of property.
      iii. Notify the Plaintiff and note on the Process Report (Form 50-A)
5. If property is secured, inaccessible, or deputy is denied access:
   (a) the plaintiff may seek a civil search warrant (see Wis. Stat §810.09)
      i. If a warrant will be sought by the plaintiff, the deputy must consult with the attorney of record by providing them an affidavit supporting a warrant to

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seize the property (must be filled out by the deputy). The affidavit must include a detailed account of the dates and times of all the unsuccessful attempts made.

(b) Once a warrant is delivered to the Sheriff, the deputy may enter to take the property

i. Notify a supervisor and OEM dispatch via radio if the building will need to be breached, if safe to do so.

6. If the property is not visible, or not located the deputy should make several additional attempts on different dates/times. Note each attempt on the Process Report form (50-A)

(a) In the event the Writ is returned without being satisfied the deputies shall note on the Writ, Process Form (Form 50-A) and billing card and return the paperwork to the CPU clerk.

When the Writ is satisfied or unsatisfied, the deputy shall complete the following paperwork and turn it over to the CPU clerk:

- Writ of Replevin (enter as applicable)
  - Date/time satisfied, if applicable
  - Unsatisfied, if applicable
- Process Report (Form 50-A) at a minimum but not limited to:
  - Address property located or attempted made
  - Date/time of attempts
  - Plaintiff/defendants on scene, if applicable
  - Property seized
  - Affidavit in support of warrant to seize property, if applicable
  - Civil Search warrant served, if applicable
  - Door breach, if applicable
  - Any other significant information (e.g. phone calls, contacts made)

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Attachments

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NIBIN Submission Request Form.pdf

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notification matrix attachment to major incident notification.pdf

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Notification Matrix.pdf

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Milwaukee County Sheriff's Office Incident Notification Matrix

Critical Incident Notification Telephone Tree

Event Initiated	Next Notification	Next Notification	Notification Mon-Fri 6am-6pm	Notification 6pm-6am Holidays/Weekends
OEM Dispatch	Division Sergeant/Lieutenant	*CID On Call Supervisor	X	X
Division Sergeant/Lieutenant	Division Commander	*CID On Call Supervisor	X	
Division Sergeant/Lieutenant	PSB On-Call Supervisor	*CID On Call Supervisor		X
*CID On-Call Supervisor	**DA Office Chief Investigator		X	X
Division Commander	Inspector	Chief of Staff	X	
PSB On-Call Supervisor	Inspector	Chief of Staff		X
Inspector	Chief Deputy		X	X
Chief Deputy	Sheriff		X	X
Chief of Staff	PIO / **Chief Legal	**County Exec Staff	X	X
Chief Legal/Compliance Officer	**Prof. Standards Div.	**Corp Counsel	X	X
**Professional Standards Div.	**Training Academy		X	X
Denotes notification via dispatch @ supervisor request*		Denotes notification on a case-by-case basis**		

Critical Incident	1. Begin Phone Tree Notification 2. Email sent to DL MCSO Critical Incident by Division Commander or Field Deputy	Email Format [Title][Location]// [CAD #]// [Date/Time]// [Victim(s) identifier]// [Offender(s) identifier]// [Injury/Injuries]// [Scene Entry]// [Primary Squad]// [Supervisor Assigned]	Email Example: Serious PI Crash I43 n/b @Hampton 19.000001 1/26/2019 9:06pm Vic 1: W/F, 43 YOA Vic 1 Injuries: Broken Leg Scene entry from south Primary Squad 15 IC Sqd 70 – Sgt Jane Doe
Major Incident	Initial text and/or call to Acting Field Deputy at beginning of incident. Acting Field Deputy will determine if text up chain of command. If yes, text the appropriate Inspector, PIO, Chief Deputy, and Sheriff. Email sent to DL MCSO Major Incident at conclusion of incident.		

Rev. July 2022

OIS-Attachment .pdf

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OFFICER INVOLVED SHOOTING CHECKLISTS

P.O.S.T Team

A team of officers that Have been trained in assisting officers involved in stressful incidents. The conversations are confidential, unless there is a life safety concern with the involved officer (POST can be contacted at (414) 352-5125

Public Safety Statement

A brief on-scene verbal statement made to the supervisor or lead investigator by the involved officer. This statement shall be verbal only and limited to the information necessary to secure the scene and conduct a proper on-scene investigation. Detailed explanations or justifications of the officer's actions are not given at this time. The public safety statement may include the following questions:

- Are you injured or do you need medical attention?
- Do you know of anyone who is injured?
- From where and in what direction did you or another officer fire rounds?
- In what direction did the suspect fire rounds?
- Are any suspects outstanding? If "yes":
    - What is the description of the suspects?
    - What was their direction of travel?
    - How long have they been gone?
    - With what weapons were they armed?
    - Are there any other safety risks known about the outstanding suspect (s)?
    - Did they leave the scene in a vehicle (s)? What is the description of their vehicle (s)?
- Does any evidence need protection?
- Are you aware of any witnesses? Where are they located?

ON-SCENE STATEMENT TO INVOLVED OFFICER

To prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or staff officers, prior to the arrival of the assigned investigators, with the exception of your legal representation

INITIAL SUPERVISOR CHECKLIST

- Establish the Incident Command Structure
- Ensure that the scene is stabilized
- Establish an inner and outer perimeter
- Stage the Command Post (between the inner and outer perimeter)
- Establish a media staging area
- Request a SMART call-up, if necessary
- Identify the involved officer (s)
- Obtain a briefing from the officers on scene
- Identify, separate, and interview all witnesses.
- Advise involved officers not to discuss the incident.
- Notify the Shift Commander
- Assign a support officer for all involved officers
- Ensure that the following are completed prior to an involved officer leaving the scene:
    - A brief statement was obtained
    - A support officer was assigned
    - A security officer is assigned if the involved officer is sent to the hospital
    - A change of clothes/uniform is provided if the involved officer is sent to the hospital
- When gathering information and establishing command, supervisors should remember:
    - Think criminal investigation first and not internal investigation. The reasons for deadly force will be found later.
    - Brief the lead investigator
    - If the offender is transported to a medical facility, ensure that there is the appropriate number of officers to accompany hm/her and remain with the offender for security
    - Assign an officer or representative to b3e with the family of the involved officer until the officer can return home.
- Allow involved officer (s) to contact family or significant other, attorney, and /or clergy after the initial briefing to the supervisor.

INVOLVED OFFICER RESPONSE TO OFFICER INVOLVED SHOOTING

The Agency recognizes that officers involved in shooting situations or other high level uses of force are likely to experience one or more of the following physiological reactions:

- A sense of slow motion or accelerated thought process
- A sense of detachment, including auditory blocking
- Tunnel vision
- A skewed sense of time and space relations
- Nausea or vomiting
- An increase in blood pressure
- Rapid heartbeat
- Speech impairment
- Uncontrollable crying
- Shock, guilt, anger, or disbelief.

SUPPORT OFFICER CHECKLIST

A support officer does not have to be a member of the Agency or a member that is currently on duty. If the chosen officer is off-duty, they will be called in and compensated for their time. Support officers cannot be another officer who is involved int e same shooting incident. If the requested support officer is from another Agency, all accommodations will try to be made, but a member of the Milwaukee County Sheriff's Office will still be assigned to assist.

- Stay with the involved officer and assist him/her with initial needs
- Do not discuss the details of the incident but be a 'good listener'
- Serve as a liaison between the involved officer and Incident Command
- Assist the involved officer with contacting:
    - Family members
    - Union representation
    - Legal counsel
- Escort the involved officer to assigned locations he/she may be asked to go (hospital, police station, incident scene)
- Maintain custody of evidence (uniform, weapons, etc.) until a designee of the lead investigator arrives to take custody of the items.
- Secure all equipment of the involved officer. The equipment shall remain in the identical condition as when secured. Do not unload or change the condition of the involved officers' weapons.
- Arrange for a change of clothes to be brought to the hospital (if the involved officer is at a medical facility)
- Transport the involved officer home upon release from the incident/hospital.
    - The involved officer is not permitted to drive themselves home
- Provide transportation / drive the involved officer over the next several days as needed
- Stay with the involved officer as long as needed
- Report any signs of psychological, stress-related actions to P.O.S.T. so that the involved officer can receive the necessary help.
- Deter open conversations about the incident amongst others to ensure the proper facts are found in the investigation.

SHIFT COMMANDER CHECKLIST

- Respond to the scene and obtain a brief from the on-scene supervisor.
- Assume Incident Command
- Notify the Agency Inspector and Division Commander from the officer's assigned bureau and relay the known facts surrounding the incident.
- Make all necessary contacts to assist the on-scene supervisor
- Obtain the necessary information for the PIO's statement or press release.
    - Type of force used
    - Location of injured person (s)
    - Description of individual (s) still at large, direction of travel, time last seen, known weapons
    - Description and location of the victims, witnesses, and evidence (nor for release to media)
    - Other information necessary to ensure officer and public safety and assist in apprehension.
- The Incident commander and the Lead Investigator must approve the information released.

MCSO Public Safety Statement.pdf

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Incident Report #_____ **DATE**_____

PUBLIC SAFETY STATEMENT (CRITICAL INCIDENT)

DIRECTIONS TO ON-SCENE SUPERVISORS

The supervisor obtaining this statement :

- Will not deviate from its content.
- Will write down on this form the answers provided verbatim.
- Will disseminate public safety information immediately via radio as appropriate.
- Will provide this form to the first arriving detective/supervisor responsible for conducting the investigation into the critical incident

"At this time to the best of your knowledge, Officer _____
please answer the following":

1. Are you injured or do you need medical attention?

_____

_____

2. Do you know of anyone that is injured? _____Yes _____ No. If yes, what is her/his location?

_____

_____

_____

3. From where and in what direction did you or other officers' fire rounds?

_____

_____

4. In what direction did the suspect(s) fire rounds?

_____

_____

5. Are any suspects outstanding? _____ Yes _____No. If the answer is no, proceed to question #6.

If the answer to #5 is "yes" answer the following questions: 5a

5a What is the description of the suspect(s)?

_____

_____

5b What was their direction of travel?

_____

_____

5c How long have they been gone?

_____

_____

5d With what weapons were they armed?

_____

_____

_____

5e Are there any other safety risks known about the outstanding suspect(s)?

_____

_____

5f Did they leave the scene in a vehicle(s)? _____ Yes _____ No. If yes, what is the description of their vehicle(s)?

_____

_____

6. Does any evidence need protection?

_____

_____

_____

7. Are you aware of any witnesses? _____ Yes _____ No. If yes, where are they located?

_____

_____

_____

_____

_____

"Officer _____, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or staff officers, prior to the arrival of the assigned investigators, with the exception of your legal representation."

Requesting Supervisor's Name: _____

Date_____Time_____ Location_____

_____

Supervisor's Signature

Prisoner Control Directive - Juveniles.pdf

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301.06.11 PRISONER CONTROL- JUVENILES

301.06.11 (a): Statement of Policy

The Milwaukee County Sheriff's Office (MCSO) is responsible for maintaining control over in-custody persons appearing before the Milwaukee County Circuit Court, including juvenile prisoners appearing before the Children's Division. Within this section, *juvenile prisoner* is defined as an individual age 18 or under who is housed in the Juvenile Detention Center (JDC) and/or in the custody of MCSO while in court or during an escort to or from JDC.

MCSO's application of restraining devices to juvenile prisoners shall adhere to State of Wisconsin First Judicial District Chief Judge Directive 20-01, "Use of Restraints in the Courtroom (Shackling)" (Directive 20-01). Directive 20-01 pertains only to juvenile prisoners appearing before the Children's Division and does not pertain to adult prisoners appearing before the Circuit Court.

301.06.11 (b): Escorts of Juvenile Prisoners

MCSO retains exclusive authority over escorts from JDC to court. Deputies shall use their discretion to determine the level of restraint to be utilized while escorting juvenile prisoners. The level of restraint utilized while escorting juvenile prisoners should be based on the following factors, as well as additional circumstantial factors:

- A history of disruptive behaviors
- A behavior that threatens the safety of the youth or others
- A history of escape, absconding, or fleeing from court or secure placement
- The location and level of physical security of the location to which the juvenile prisoner is to be escorted

If, prior to effectuating an escort of a juvenile prisoner, deputies become aware of relevant information which would affect order, decorum, and/or safety in the courtroom, they may complete the Justification of Use of Restraints Assessment Form specified in Directive 20-01 ("Justification Form") prior to transporting the juvenile prisoner to court.

MCSO retains responsibility for safely escorting juvenile prisoners to the table at which they will be seated in the designated courtroom.

- Escorting deputies shall maintain proper control of juvenile prisoners while walking into the designated courtroom and shall escort the restrained juvenile prisoner all the way to the table where they will be seated.
- When the juvenile prisoner arrives at the table, deputies shall remove any restraint that had been previously applied, absent court authorization to the contrary consistent with Directive 20-01.

If, at any time during an escort to court, a juvenile prisoner creates a disturbance or exhibits behavior or signs that the prisoner may cause a safety issue inside the courtroom, deputies can

return the youth to JDC or the bullpen until the juvenile prisoner is calm enough to be escorted to court. If a deputy believes the incident or behavior rises to the level that justifies a request for shackling, the deputy should inform the court of the incident and complete the Justification Form. Deputies shall notify the Control Center of any such incident, to include the juvenile prisoner's information and details of the incident and/or behavior.

MCSO shall also provide all escorts from court hearings to JDC, consistent with the following procedures:

- Deputies shall use their discretion to determine the level of restraint to be utilized while escorting a juvenile prisoner from court to JDC.
- Deputies shall maintain proper control of the juvenile prisoner while escorting them from the courtroom to the bullpen/detention center.
- If deputies deem it necessary, they may use a different level of restraint from when they escorted the prisoner to the court hearing.
- If restraints are used, they shall be applied while the prisoner is still at the defense table.

301.06.11 (c): Implementation of Directive 20-01 in Court

Deputies will take all permissible security measures to protect personnel, members of the public, and juvenile prisoners in courtrooms secured by MCSO, consistent with Directive 20-01. Deputies shall ensure that absent court approval of a Justification Form, the default position is that the juvenile prisoner will not be restrained. Deputies shall adhere to the following procedures:

When an unrestrained juvenile prisoner appears in court, there shall be no fewer than three (3) deputies inside the courtroom for the duration of the proceeding. Deputies will use their discretion to determine their proper positioning within the courtroom. Deputies should use the following factors to determine positioning:

- Safety of the judicial officer(s)
- Safety of the juvenile prisoner's family members or other individuals present in court
- Prevention of sudden assaults and/or escape attempts

Deputies shall ensure that the juvenile prisoner is not allowed contact with any non-courtroom personnel. All contact between the juvenile prisoner and others present in the courtroom should be for professional business only. Deputies shall maintain visible supervision of the juvenile prisoner at all times and maintain constant awareness for anxiety, anger or agitation.

If, during the court proceeding, the juvenile prisoner engages in behavior that disturbs order, decorum, and/or safety in the courtroom, deputies shall take reasonable action based on their discretion. This may include:

- Verbal warning(s)
- Immediate removal of the juvenile prisoner from the courtroom
- Ordering the evacuation of the courtroom for safety purposes
- Using any necessary reasonable force based on MCSO policy
- The application of restraints to regain control and prevent harm

If deputies remove a prisoner from the courtroom based on the above listed behavior, they shall do the following:

- Notify the Control Center
- Notify a supervisor
- Notify the court of the reasons the prisoner was removed
- Complete the Justification Form for future court appearances

301.06.11 (d): Approval and Use of Restraints Pursuant to Directive 20-01

Pursuant to Directive 20-01, the use of restraints is permissible only when ordered by the court to maintain order, decorum, and safety in the courtroom. Deputies shall adhere to the following procedure governing the approval and use of restraints:

- If, at any point before a hearing, MCSO staff believes restraints may be warranted for a specific juvenile prisoner, deputies shall complete a Justification Form. The form needs to be completed and provided to the judge at least two hours prior to the scheduled hearing.
- The judge will review the form and may ask interested parties, which could include MCSO staff, to provide additional input.
- If the court does not approve the use of restraints during the court proceeding, the juvenile prisoner shall not be in the courtroom in restraints.
- If the court does not approve the use of restraints after they were recommended by either the Division of Youth and Family Services (DYFS), JDC or MCSO, the deputy shall inform a supervisor of the court's decision.
- The deputy may request the court, for a reasonable amount of time, to contact a supervisor before the hearing begins and the juvenile is escorted to court.
- When the use of restraints are approved, the least restrictive means available will be utilized to ensure courtroom safety. This may include:
    - Belly chain
    - RIPP restraint
    - Leg iron and I-bolt
    - High-risk, which may include the above along with the stun band-it

301.06.11 (e): Escapes from Custody

In the event that a juvenile prisoner absconds from custody while in court or while being escorted to or from court, the escorting deputy or deputies shall immediately order the juvenile prisoner to halt. If the juvenile prisoner refuses to halt, deputies will use the necessary force to prevent escape, consistent with MCSO Policy 202.30, "Use of Force."

If deputies are unable to prevent the juvenile prisoner from escaping, they will immediately notify dispatch by the most expedient means available. Deputies should report the following information to dispatch and/or other appropriate authorities:

- Exact location of the escorting deputy or deputies

- The name and a description of the juvenile prisoner
- The juvenile prisoner's direction of travel
- Whether or not the juvenile prisoner was in restraints
- Whether or not the juvenile prisoner is considered dangerous
- Any other information that may help re-secure the juvenile prisoner in custody

Deputies will predicate decisions to pursue an absconding juvenile prisoner on two conditions:

1. Whether or not a pursuit would best prevent the juvenile prisoner from successfully absconding from custody.
2. Whether or not a pursuit would best protect the juvenile prisoner and the public from harm.

Deputies should consider their location, the classification of the absconding juvenile prisoner, and all relevant circumstantial factors when making a decision to pursue or not to pursue an absconder. If a juvenile prisoner is apprehended after attempting to abscond from custody, the deputy who apprehends the juvenile prisoner will:

- Restrain the juvenile prisoner.
- Search the juvenile prisoner for weapons.
- Return the juvenile prisoner to custody.
- Ensure that appropriate supervisory notifications are promptly made.
- Initiate criminal escape charges.

Prior to subsequent court hearings, deputies shall complete a Justification Form for juvenile prisoners who have attempted to abscond from custody.

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