



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-28

INDEX AS: Juvenile Operations
Curfew
Runaway/Missing
Search/Juvenile/School

REPLACES: G.O. 16-05
EFFECTIVE: 02-16-2016

WILEAG: 1.7.2, 1.7.3, 1.7.4, 1.7.5, 6.1.5, 6.6.1, 6.6.2, 6.6.3, 6.6.4, 10.1.1

SUBJECT: Juvenile Procedures

PURPOSE: The intent of this General Order is to provide assistance to officers when dealing with juveniles.

When dealing with juvenile offenders, officers shall use the least restrictive among reasonable alternatives consistent with preserving public safety, order and individual liberty. The Department policy, insofar as possible, is to release a juvenile to the family pending further investigation by the officer or juvenile officer. However, if detention is necessary, it must be remembered that it is protective by nature and is intended to ensure the availability of the juvenile for future court proceedings or future police investigation. The best interest of the juvenile shall always be of paramount consideration.

This order consists of the following numbered sections:

- I. DEPARTMENT ROLE AND RESPONSIBILITY
- II. JUVENILE PROCEDURES
- III. JUVENILE OFFICER
- IV. JUVENILE RECORDS
- V. EFFECTIVE DATE

I. DEPARTMENT ROLE AND RESPONSIBILITY

This order acquaints all personnel with the proper procedures and policies in the handling of juvenile offenders/victims. All personnel share the responsibility for delinquency prevention.

- A. The police officer is often the first community representative and possibly the most significant to encounter juveniles in trouble with the law or in need of protective assistance. The handling of juvenile problems calls for sincere concern on the part of the officer and the application of the interpersonal skills to determine the facts, to mediate and defuse conflict and to offer constructive suggestions for temporary or long-term solutions.
- B. All investigative and enforcement procedures including interviewing, gathering evidence and taking into custody, shall be carried out with scrupulous care to avoid practices which might demean, be coercive or violate the due process rights of juveniles.
- C. Since the accomplishment of societal goals for juveniles cannot be achieved solely by police intervention, every effort should be made to work cooperatively with other community agencies, schools, juvenile court, and interested citizens, in a community-centered approach to solving problems.
- D. The principle of using the least restrictive alternative will be adhered to in all police dispositions whether in the field or at the station.
- E. The Department shall direct its youth crime prevention efforts toward schools, the park district, civic organizations, and other formal and informal juvenile justice agencies.

II. JUVENILE PROCEDURES

- A. Prevention and Control of Delinquent and Criminal Behavior of Youths:
 - 1. In order to ensure more effective law enforcement dispositions, it is the duty of all officers to not only investigate offenses and conditions but also ensure that fundamental police methods and techniques are followed and other sources of information utilized.

2. Generally, the officers assigned to the patrol division will respond to most initial complaints, and/or encounter in the normal course of their duties a variety of situations involving law and/or ordinance violations committed by juveniles, and/or other circumstances, which threaten the safety and welfare of juveniles. The assistance of the Juvenile Officer will be requested, as required.
3. It is the duty of all police officers to consider a police problem with juveniles from the standpoint of prevention, giving due regard to public safety. Officers are in a good position to point out hazardous conditions and areas of high delinquency to their supervisors and the general public.
4. A list of youth social service agencies is available to all personnel and shall be maintained in the Communications Center. The Juvenile Officer(s) shall ensure that this list is kept current (Attachment 1).
5. The DARE Program and the Bicycle Safety Program will be used to help prevent and control delinquency and promote the image of police and the South Milwaukee Police Department.

B. Taking a Juvenile into Custody:

1. Circumstances in which a law enforcement officer believes on reasonable grounds that: (Wisconsin State Statutes 48.19 & 938.19)
 - a. A writ of habeas corpus has been issued in this state, or that the juvenile is a fugitive from justice;
 - b. A writ of habeas corpus has been issued in another state;
 - c. The juvenile is committing or has committed an act which is a violation of a state or federal criminal law;
 - d. The juvenile has run away from their parents,

guardian or legal or physical custodian;

- e. The juvenile is suffering from illness or injury or is in immediate danger from their surroundings and removal from those surrounds is necessary; i.e., abused and neglected juveniles;
- f. The juvenile has violated the terms of court - ordered supervision or aftercare supervision administered by the Department or a County Department;
- g. The juvenile has violated the conditions of an order under Wisconsin State Statutes 48.21(4) & 938.21(4) or the conditions of an order for temporary physical custody by an intake worker;
- h. The juvenile has violated a civil law or local ordinance punishable by a forfeiture, except that in that case the juvenile shall be released as soon as reasonably possible under Wisconsin State Statutes 48.20(2) & 938.20(2);
- i. A capias issued by a judge of the court assigned to exercise jurisdiction under Chapters 48 & 938, Wisconsin State Statutes;
- j. An order of the judge if made upon a showing satisfactory to the judge that the welfare of the juvenile demand the juvenile be immediately removed from their present custody. The order shall specify that the juvenile be held in custody under Wisconsin State Statutes 48.207 & 938.207;
- k. A juvenile is absent from school without an acceptable excuse, under Wisconsin State Statute 118.15 (Compulsory School Attendance).
- l. The juvenile is an expectant mother and there is 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 juvenile expectant mother's habitual lack of

self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the juvenile expectant mother is taken into custody;

- m. A juvenile that evidences behavior that the officer believes the juvenile is a harm to themselves or others and meet the requirements under Wisconsin State Statute 51.15.
- 2. The officer taking the juvenile into custody shall make all reasonable attempts to notify the juvenile's parents, guardian and/or legal custodian in a timely manner. If the officer is unable to contact a parent/guardian, the officer should document the time/date and phone number or address where contact was attempted.

C. Transportation of Juveniles: The transportation of juveniles entails additional considerations.

- 1. Juveniles should not be transported in any vehicle in the company of an adult(s) who has been arrested for the commission of a crime.
- 2. Maximum security is warranted only in serious situations where the behavior of the juvenile demands restraint for their protection or the protection of others. This decision will be up to the detaining or arresting officer.
- 3. The transporting officer is responsible for the safety as well as the security of the juvenile.
- 4. Beginning and ending mileage and gender of the prisoner shall always be given when transporting a juvenile.

D. Interrogation, Interviews and Questioning:

- 1. All interrogations, interviews and questioning of juveniles will be conducted in a manner to ensure the protection of the juvenile's constitutional rights. All custodial interrogations of juveniles, 16 years and

younger, will be electronically recorded where feasible, and without exception when the questioning occurs at a place of detention (State v. Jerrell CJ).

- a. Juveniles who are being questioned, in custody, regarding possible criminal activity, will be afforded all rights extended by the Miranda decision. Officers should exercise good judgment in accepting a waiver of rights from a juvenile.
- b. The 1979 Supreme Court decision in *Fare v. Michael C.* 442 U.S. 707, a juvenile does not have the right to have an adult (parent) present during questioning, but the court will take this into the totality of the circumstances.
2. Prior to accepting a waiver of rights from a juvenile, the following factors should be evaluated and taken into consideration:
 - a. Age
 - b. Intelligence
 - c. Educational Level
 - d. Prior experience with the juvenile justice system.
 - e. The juvenile's ability to comprehend the meaning and effect of their statement.
 - f. The juvenile's physical condition.
3. In all instances in which there is a difference of opinion between a juvenile and their parents regarding whether or not a juvenile will agree to speak with police regarding a suspected criminal offense, if the juvenile had a rational capacity to pursue their best interest, the juvenile's wishes will prevail (WCCJ, Juvenile Justice Standards and Goals, Standard 3.2(d)).
4. Juveniles taken into protective custody do not have to

be advised pursuant to Miranda, but must receive a full explanation of why such action is being taken. The juvenile will be turned over to personnel of the Division of Milwaukee Child Protective Services (DMCPS) and/or the Milwaukee County Juvenile Intake Center for disposition.

5. Interrogations should not be unreasonable in length, with no more than two officers present. Parents will be advised of the results of interrogations.
6. During the course of an interview/interrogation, the officer should attempt to answer questions, as well as explain department and juvenile justice system procedures to the juvenile offender and their parents/guardian.
7. All juveniles requiring medical attention shall be transported, by appropriate means, to the nearest hospital (St. Lukes South Shore) for medical attention. Any juvenile who is in need of medical attention prior to being detained at the Milwaukee County Juvenile Center (Intake) shall be taken to the nearest hospital where a medical release form should be obtained. This is also the procedure for juveniles under the influence of alcohol and/or drugs, if they do not require immediate attention at the nearest hospital.

E. Possible Dispositions:

An officer may take one of the following actions:

1. Counsel, warn and release of the juvenile.
2. The issuing of municipal citation(s) for violations of city ordinances to juveniles that are twelve years or older.
3. If the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision of the juvenile, the officer may release the juvenile to a responsible adult. In the case of a juvenile fifteen years of age or older, the officer may release the juvenile without immediate adult supervision.
4. Release of the juvenile to their parents and refer the

case to a County Juvenile Probation Officer or such other public officers designated by the court.

(Children's Center of Milwaukee County, 10201 West Watertown Plank Road, Milwaukee, Wisconsin). Set referral times for 9:00 A.M. Monday through Friday. Allow approximately 21 days from the time mailed so the appropriate paperwork will be available at the Children's Court Center.

5. If the officer reasonably believes that there is an urgent and immediate necessity to keep the juvenile in custody; e.g., threat to others, will flee and not appear, the officer shall deliver the juvenile without unnecessary delay to the court or the Milwaukee County Juvenile Court Center (Detention Facility). Except if medical treatment is required, the juvenile shall be taken to a treatment facility first.
6. Any other appropriate action with consent of the juvenile and/or a parent.

F. The factors to be considered in determining whether to release or keep a juvenile in custody shall include:

1. The nature of the allegations against the juvenile.
2. The juvenile's history and present situation.
3. The history of the juvenile's family and the family's present situation.
4. The educational and employment status of the juvenile.
5. The availability of special resources or community services to aid or counsel the juvenile.
6. The present attitude of the juvenile and family.
7. The age and circumstances of the juvenile.

G. Physical referral to the Milwaukee County Juvenile Detention Center:

1. The decision to refer a juvenile to the Milwaukee

County Juvenile Center will be made by the officer in charge of the investigation or the shift supervisor.

2. Referrals to the Detention Center shall occur under the following conditions:

- a. Commission of a felony.
- b. The juvenile is unwilling, and the parent will be unable to produce them upon proper notice of a court appearance.
- c. The juvenile is likely to repeat behavior harmful to themselves or others.
- d. The juvenile's parents, guardian or legal custodian or other relative or responsible adult cannot be reached (JIPS Petition).
- e. The juvenile is in need of immediate care away from their home.

H. Appropriate detention paperwork is attached at the end of this General Order (Attachment 2/3). All information shall be included on the paperwork as shown.

1. Petitions may be filed by any adult person, any agency or association or by its representative.
2. The petition shall be verified but the statements may be made upon information and belief. It shall allege that the juvenile is delinquent, addicted, requiring authoritative intervention, neglected or dependent as the case may be.

I. Citations:

1. Juveniles twelve years of age and above can be issued municipal affidavits or be referred to juvenile court intake. Juveniles under the age of twelve must be referred to Juvenile Court if the officer wishes to have the case prosecuted.

2. Juveniles receiving summonses for municipal ordinance violations shall be assessed forfeitures the same as adult fines. The current bond schedule should be consulted for the determination of the bond.
3. Juveniles committing a traffic violation, which would not be a violation of criminal law if the juvenile were an adult, shall be issued a municipal citation for that offense.
4. Juveniles 15 years or under who are accused of violating traffic laws (generally Chapters 341 to 351) are subject to intake on all violations of state offenses. On those offenses that are crimes, a referral to the Juvenile Intake Court shall be made.
5. Juveniles 16 or 17 years of age shall be treated as adults when receiving Uniform Traffic Citations. The bond and court schedules that apply to adults shall apply to these juveniles. These juveniles may be taken into custody for traffic crimes under Section II of the Uniform Traffic Bond Schedule (attachment #4) and the case would be referred to the Milwaukee County District Attorney's Office.
6. The parents of juveniles shall be notified within 7 days, when their child receives a municipal affidavit/citation. Parents will be provided with a copy of the affidavit.

J. Search and Seizures:

1. The South Milwaukee Police Department will afford to juveniles the same rights afforded adults. When it becomes necessary to take a juvenile into custody there shall be a thorough search to:
 - a. Protect the officer from attack.
 - b. Prevent the juvenile from escaping.
 - c. Discover the fruits of the crime.
2. Search of premises with parental permission:

Parents may validly consent to the search of the

juvenile's room, closet, bureau or other area of the family home used by the juvenile, but not property outside the control of the parents. Any locked containers under sole control of the juvenile may require the use of a search warrant, even if the parent is willing to consent to the search.

3. Waiver of 4th Amendment protection by juveniles:

Since consent by a juvenile to waive their right to 4th Amendment protection poses the same problems of the juvenile's maturity each situation must be carefully evaluated.

4. Searches in School Buildings or on School Property

a. By police, without request of school authorities:

- 1). Police officers may not search students' lockers, desks or automobiles except under the following circumstances: search warrant, incident to arrest or stop and frisk. However, when a student gives permission, the guidelines in Section II. J. 3. apply.
- 2). A school official may not give permission for a warrantless search of a student's locker, desk or automobile.
- 3). The student, if available, for the execution of a warrant, shall be present during the search.

b. By School Administrators:

The School Administrator maintains control over lockers and desks loaned to students. Therefore, the Principal, their designee, or police officer acting as an agent of the School District, and acting at the direction of the school official, may search a locker or desk if they have reasonable suspicion that missing school

materials may be present, or for items that would endanger the health or safety of the school population. In all other cases, the school official or police shall obtain a search warrant (Attachment #5: South Milwaukee School District Policies).

K. Loitering of Minors/ Curfew:

1. It shall be unlawful for any person under the age of seventeen years to congregate, loiter, wander, stroll, stand or play in or upon public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or any public places in the City of South Milwaukee, either on foot or in or upon any conveyance being driven or parked therein, between 11:00 p.m. and 5:00 a.m. on the following day, official City time, unless accompanied by their parent, guardian or other adult person having their care, custody or control, or unless performing an errand or duty if directed by their parent or guardian, or of urgent necessity, or unless pursuing the duties of their employment in an expeditious and orderly manner, or unless going directly home from places of business or amusement or private homes, or the minor is participating in, or going to or returning from, the exercise of religion or the exercise of any of the minor's rights protected under the First Amendment or the United States Constitution or under Article 1 Sec.3, 4, or 18 or the Wisconsin Constitution. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall, prior to issuing a citation for an offense under this section, afford the actor an opportunity to explain their reasons for being present in the public place. A peace officer shall not issue a citation for an offense under this section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions described in this subsection apply. South Milwaukee Ordinance 23.16.

2. Responsibility of Parents:

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a person under the age of seventeen years to suffer or permit by

inefficient control to allow such person to congregate, loiter, wander, stroll, stand or lie in or upon the public streets, highways, public buildings, places of amusement and entertainment, vacant lots or any public places in the City of South Milwaukee between the hours of 11:00 p.m. and 5:00 a.m. of the following day, official City time, unless said person under the age of seventeen years is accompanied by their parent, guardian or other adult person having their care, custody or control; provided that any parent, guardian or other adult person herein who shall have made a missing person notification to the Police Department shall not be considered to have suffered or permitted any person to be in violation of South Milwaukee Ordinance 23.16(1).

L. Missing/Runaway Juveniles:

1. It is the policy of the South Milwaukee Police Department to promptly investigate all reports of missing juveniles in an effort to locate and safely return them to their homes.
2. It is the responsibility of the investigating officer to:
 - a. Promptly submit the "missing/runaway" report to the Communications Center, with all the appropriate information.
 - b. Fill out appropriate documents.
 - c. When available, attach a current picture of the missing juvenile on the original copy and make photocopies of the original.
3. It is the responsibility of the shift supervisor to see that all missing juveniles are immediately entered into the teletype system and put on the missing/runaway board.
4. It will be the duty of the investigating officer to check the status of each runaway/missing juvenile within 24 hours and 48 hours of the original report, if the juvenile has not returned home. If this cannot be done by the investigating officer, they will notify the Juvenile Officer

or another shift officer to do the follow-up.

5. When the missing/runaway juvenile has returned or is returned home, the assigned officer will make a supplementary report as to the whereabouts of the juvenile while away and any other pertinent information that would help locate the juvenile again or any other missing youths.
6. The juvenile will then be withdrawn from the teletype system with the signature of a parent when returned.
7. If a parent or guardian does not or will not take the juvenile back into the home for any reason the juvenile will be transported to the Milwaukee County Children's Court Center (Detention).
8. Also see General Order ADM-17: Validation, and General Order ORG-26: Missing Persons.

M. Child Abuse and/or Neglect Complaints and Investigations:

See General Order ORG-23: Child Abuse/Neglect Investigations.

N. Adult Arrestee's Children:

When appropriate, the arresting officer shall question the adult arrestee as to whether there are any children under the age of eighteen living with them who may be neglected as a result of the arrest or otherwise. The officer shall, to the greatest extent feasible, assist the arrestee in the placement of the children with a relative or other responsible person designated by the arrestee.

O. Mental Illness:

There will be no difference in dealing with juveniles under Wisconsin State Statute 51.15 except for making contact with the juvenile's parent as soon as possible.

P. Police and Schools:

1. Police officers have no absolute right to enter the school premises and demand to interrogate any pupil.

As a rule, pupils should only be questioned in a private room or office and in the presence of a representative of the school.

2. Police officers should contact the school prior to personally requesting information, interviewing or taking a juvenile into custody.
3. On arrival at the school, officers should contact the School Administrator, their designee or the Police School Liaison Officer, stating the purpose of their presence.
4. A designated investigator/school liaison, should attempt to maintain frequent contact with the junior high, high school, and elementary schools.

Q. Truancy:

1. The South Milwaukee Police Department has an obligation to assist school authorities to enforce Wisconsin's Compulsory School Attendance Law. The primary and legal responsibility, however, for meeting the social and individual problems presented by the chronic truant is with the juvenile's family and the educational system.
2. Juveniles who are believed to be truant should be contacted and an attempt to identify them shall be made. If identified as truant, they are to be directed to return to school or conveyed to school. School officials shall be notified of any identified truants.
3. Officers have legal grounds to take truants into physical custody, under Wisconsin State Statute.

III. JUVENILE OFFICER

A. Juvenile Officer's Duties and Responsibilities:

1. The basic responsibility is control and prevention of juvenile delinquency. The officer shall be mindful of the legal and civil rights of complainants, victims, guardians and offenders.

2. In addition to regularly assigned duties pertaining to juvenile offenders, investigate the following types of cases:
 - a. Cases involving juveniles requiring authoritative intervention.
 - b. Neglected and abused juveniles.
 - c. Dependent juveniles.
 - d. Offenses committed by juveniles.
 - e. Offenses committed against juveniles.
 - f. Gang activities.

3. Any follow-up investigation of juveniles shall be the responsibility of the investigating officer. However, if the follow-up can be better accomplished by the Juvenile Officer, then the investigating officer and the Juvenile Officer shall coordinate their efforts.

B. Police/School Liaison Officer Shall:

1. Work cooperatively with both the crime prevention unit and Investigations Section with respect to delinquency prevention.
2. Provide guidance on safety and other law enforcement issues in a classroom setting.
3. When requested, provide individual counseling to students.
4. Explain the law enforcement role in the community and society as a whole.
5. Provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and earn mutual respect.

IV. JUVENILE RECORDS

A. Accountability for Collection, Dissemination and Retention of Juvenile Records:

1. The Records Section will maintain physical control of all departmental records on juveniles taken into custody for delinquent acts, dependency, neglect and in need of supervision. All juvenile records will be maintained in conformance with the Children's Code requirements for separate storage, release and confidentiality. The Department will conduct at least an annual review of the record-keeping practices.
2. Records shall be clearly marked and access and dissemination strictly controlled in accordance with state law. The Records Custodian shall ensure the proper collection, dissemination, and retention of juvenile records.

B. Photographing and Fingerprinting Juveniles:

Records on juveniles, including fingerprints and photographs are maintained separately from records of adults in accordance with Wisconsin State Statute 165.83(2). Wisconsin State Statute 165.83 indicate the division of law enforcement services shall obtain and file fingerprints, descriptions, photographs and any other identifying data on persons who have been arrested or taken into custody in the state.

1. Juveniles shall be fingerprinted and photographed when arrested or taken into custody.

C. Confidentiality:

Departmental records on juveniles shall be kept separate from records of persons eighteen (18) years or older and shall not be open to inspection except by orders of the court. Except for the following, all others will be directed to the juvenile court to seek a court order:

1. News media representatives who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved.

2. The School District Administrator of a public school district or the Administrator of a private school of which the juvenile is enrolled at.
3. Other law enforcement agencies.
4. Social Welfare agencies.
5. Victim-witness coordinators (Wisconsin State Statute 938.396 (1), (1g)).
6. Victim's insurance companies: if the juvenile has been ordered to make restitution and the juvenile has failed to make that restitution within one year after the entry of the order. (Wisconsin State Statute 938.396 (1t)).
7. The juvenile's attorney or guardian-ad-litem.
8. Records can be released to: the parent, guardian, legal custodian or juvenile (age 14 or older) upon their request.
9. Upon written permission of the parent, guardian, legal custodian or juvenile (age 14 or older), specifically identified reports may be available to the person named in the permission.
10. The victim can request information on injury, loss or damages.
11. Waivers into adult court.

V. EFFECTIVE DATE

The effective date of this order is December 16, 2019

William Jessup
Chief of Police

Attachments:

1. List of available Juvenile Social Services Agencies
2. South Milwaukee Police Department Uniform Juvenile Report Form
3. State of Wisconsin Temporary Physical Custody Request Form
4. See WI Traffic bond book regarding Juvenile Traffic Violations
5. School District of South Milwaukee policies regarding, Locker Searches and Searches of Students.



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-39

INDEX AS: Police School Liaison Officer

REPLACES: G.O. 16-06

EFFECTIVE: 02-16-2016

WILEAG: 1.7.2, 1.7.3, 1.7.4, 1.7.5, 6.6.1, 6.6.2, 6.6.3, 6.6.4, 10.1.1

SUBJECT: Police School Liaison Officer (PSLO)

PURPOSE: The purpose of this General Order is to establish cooperative guidelines between the South Milwaukee School District and the South Milwaukee Police Department in relation to developmental and/or problematic areas of mutual concern.

This order consists of the following numbered sections:

I. GOALS AND OBJECTIVES

II. GUIDELINES

III. EFFECTIVE DATE

I. GOALS AND OBJECTIVES

A. Goal One. To reduce the potential for criminal activity through a concentrated crime prevention effort aimed at the senior/junior high and elementary level students. The objectives include:

1. To give the students an opportunity to get acquainted with a police officer in an informal non-authoritarian setting by placing a Police School Liaison Officer (PSLO) within a school and/or the feeder system.
2. To allow any student, who so desires, to privately converse with a PSLO conveniently at the school. Many students have personal questions relative to the

law, the school, and community, which they may not care to discuss in a traditional, structured school setting.

3. To allow students the opportunity to discuss with the PSLO, conditions in the community that they feel affect them negatively.
4. To provide classroom presentations and discussion periods with students in areas of mutual concern.
5. To provide for parent/student conferences in a school setting rather than a police station which, in many cases may be more comfortable for the student and the parents alike.
6. To provide the opportunity to appropriately divert students from the juvenile justice system and to assume adequate follow-up to that diversion by the PSLO, if needed.
7. To investigate the application and utilization of city ordinances as they apply to school-age youth.
8. To provide an opportunity for other police officers to better understand the actions and problems of the youth in the community.
9. To provide teachers, administrators, and other school officials information concerning the law and to answer other questions they may have about the juvenile justice system, where deemed appropriate.
 - a. This may be accomplished through faculty meetings, in-service training, and on an individual basis.
10. Develop a written policy that allows for the confidential exchange of information between the PSLO and officials of the school attended by the juvenile or other law enforcement agencies or social welfare agencies.
11. The PSLO will provide appropriate feedback information on referrals received as to disposition of cases.

12. To evaluate the PSLO program through input from school officials, and the PSLO.
13. Establish written guidelines to provide direction for the interaction of police and school officials.

B. Goal Two. To reduce the number of offenses committed in schools or near school property. The objectives include:

1. To provide preventive patrol in the school area in order to reduce loitering on the school premises, drug and alcohol offenses, traffic concerns, assaults, and other actions of antisocial behavior.
 - a. The PSLO's legal responsibilities lie in the areas of direct violations of the law and they will not be used as an arm of school discipline.
2. To provide personal preventative patrol for special school functions, such as, athletic events, school dances, band concerts, etc.
3. To contact or assist persons in school areas who are having difficulty interacting with students attending that particular school.

C. Goal Three. To help youth and adults view the police department as a helping agency with the responsibility to protect and serve all citizens. The objectives include:

1. To enable the PSLO to maintain regular contact with representatives of the youth-serving agencies to coordinate prevention efforts.
2. To make presentations before community groups, service groups, parent groups, etc.

II. POLICE-SCHOOL GUIDELINES

A. Police conduct in the school setting.

1. PSLO have a professional responsibility to conduct themselves in a courteous, purposeful, and cooperative manner. PSLO will be required to wear an SMPD standard uniform unless authorized under

special circumstances to wear plain clothes by a supervisor.

2. Disagreements should be arbitrated privately between PSLO and school staff. Failures to reach a mutually satisfactory course of action should be resolved by referral to appropriate supervisors.
3. PSLO should not take advantage of the school's "captive audience" for routine police investigations. The schools primary purpose is to educate. Non-essential interviews by police and others may be destructive to the school.
4. The PSLO should contact designated school officials prior to personally requesting information, interviewing students, or taking a student into custody.

B. Taking a juvenile into custody.

1. Wisconsin State Statutes 48.19 & 938.19 specify circumstances under which a juvenile may be taken into custody. While it is recognized that those circumstances apply to juveniles in all situations, it may or may not be appropriate for the PSLO to take a juvenile into custody in a school setting.
2. The only time custody of a juvenile will be turned over to the PSLO will be at the request of school officials and that will take place after parents have been contacted.

C. Disposition of cases.

1. The PSLO has a variety of options in determining the appropriate disposition of cases. It may be wise to discuss the disposition with appropriate school officials and come to a mutual agreement regarding the disposition, which would best aid the juvenile and their family.
2. The PSLO shall consider the facts of the particular offense, the juvenile's past record and past dispositions, the attitude of the juvenile, parent(s), and the complainant in the offense. After weighing these factors, one of the following dispositions may be

made:

- a. Counsel and release. In a minor offense, specifically with younger juveniles, where it appears there is no need for additional corrective measures, the officer may dispose of the complaint by warning and releasing the juvenile.
- b. Referral to school counselor, community agency, pastor or church. Offenders, for misdemeanor or status offenses, may be referred to community agencies. In situations where a juvenile has a caseworker, and it is felt a new court referral is not necessary, the complaint may be referred to the juvenile=s caseworker. A wide variety of agencies and programs may be utilized for referral.

D. Child Abuse and/or Neglect Complaints and Investigations

See General Order ORG-23: Child Abuse/ Neglect Investigations.

E. Disposition Options:

1. Municipal Court: Juveniles, ages twelve through seventeen who violate civil law or ordinances, may be issued a summons/citation and ordered into Municipal Court. When possible, the juvenile should not be taken into immediate custody, but should be given an order-in date to the police department, during non-school hours, for processing.
2. Referral to juvenile court should normally be reserved for offenses involving serious felonies, misdemeanor offenses committed by repeat offenders, and for status offenses involving a request by a parent or juvenile for waiver into adult court. The referral will be made to the juvenile court with a recommendation for waiver.
 - a. Referral to court must be made within the following time period: if the juvenile has been and will continue to be held in custody, the referral must be made immediately. It is

required the petition be drafted by the District Attorney and filed within twenty-four hours, excluding Saturdays, Sundays, and legal holidays.

3. Referral to a protective service unit; the Division of Milwaukee Child Protective Services (DMCPS). In all complaints concerning abuse, neglect, or dependency, referrals shall be made to the Division of Milwaukee Child Protective Services within twenty four hours, excluding Saturdays, Sundays, and legal holidays. Even after such referrals are made, law enforcement agencies are encouraged to assist those departments with investigative assistance.
4. Referral to other police agencies. Offenses, including runaways and minor offenders from other jurisdictions, where referral to court would not normally be used, may be appropriate for referral to the law enforcement agency where the juvenile lives.
5. Referral to other counties. Juveniles, who reside in other counties, apprehended in a different county for offenses where referral to court is appropriate, may be referred to the juvenile court of their home county. The officer will make the referral to the juvenile court intake worker for that county with a copy to the law enforcement agency where the juvenile lives.
6. Dismissal. Complaints where it is later proved that the juvenile was not involved shall be dismissed. The parent(s) and the juvenile should be advised of this disposition.
7. Procedures for in school interview/interrogation of juveniles
 - a. The PSLO should contact the designated school official(s) prior to contacting a student or staff person for the purpose of interview/interrogation. All custodial interviews of juveniles, 16 years and younger, will be electronically recorded.
 - b. All arrangements for a police interview with a

student should endeavor to forestall any possible embarrassment and/or stereotyping as a consequence of the police contact. As part, the interview should be done as quickly as possible, using the least number of officers possible.

- c. The PSLO should be as unobtrusive as possible and the student should be seen in a setting, which assures privacy. At no time should a juvenile be summoned to the PSLO's office over a public address system, which openly announces why they are being called.
- d. Information about the PSLO contact may be shared on a selective basis with responsible school authorities, if and when relevant, and when there is no violation of those provisions of the Wisconsin Children's Code relation to the confidentiality privilege.
- e. Under normal circumstances, parents should be notified prior to interviewing a juvenile about their involvement in an offense. Parents should always be notified of contacts with juveniles, which are other than routine. This may be done by phone or letter, although when serious disclosures arise during such interviews, a parental contact should be made at the earliest possible opportunity.
- f. Interviews with juveniles should be conducted with the school staff present when circumstances indicate such necessity.
- g. The juvenile's Constitutional Rights, and rights of confidentiality and privacy must be respected and protected. As part, officers should explain agency and juvenile justice system procedures during an interrogation of a juvenile.
- h. In interviewing school staff, the officer should explain the purpose of the contact. It must be recognized that school staff have the same right to refuse to give information, as does any

other citizen. The officer should use patience and tact in dealing with school staff to obtain information and should inform them of the potential use of that information. Care should be exercised that the basic teacher-pupil relationship is not violated by such request.

F. Truancy

PSLO have the authority, under Wisconsin State Statue 938.19(1)(10) to take a juvenile into custody because of school truancy.

G. Records: Law Enforcement/School

Records will be exchanged in accordance with the Children's Code

H. School searches

PSLO, like any law enforcement officer, can conduct searches with the parameters as defined in Section 968.10, Wisconsin State Statutes which state:

1. Wisconsin State Statute 968.10- Searches and Seizures; when authorized. A search of a person, object, or place may be made and things may be seized when the search is made:
 - a. Incidental to lawful arrest;
 - b. With consent;
 - c. Pursuant to a valid search warrant;
 - d. With the authority and within the scope of a right to lawful inspection;
 - e. Pursuant to a search during an authorized temporary questioning as provided in Wisconsin State Statute 986.25; or
 - f. As otherwise provided by law.

III. EFFECTIVE DATE

The effective date of this order is December 16, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-20

INDEX AS: Chain of Command
Command/Supervisory Authority
Command/ Supervisory Responsibility

REPLACES: G.O.17-20
EFFECTIVE: 01-18-17

WILEAG: 1.3.3, 1.3.4, 1.4.1, 1.4.2, 1.4.3, 1.9.1

SUBJECT: Command and Supervisory Responsibility and Authority.

PURPOSE: The purpose of this General Order is to specify the authority and responsibilities of the various command and supervisory personnel (Officer-In-Charge (OIC)) of the Department and the Department chain of command.

It is the responsibility of all members of the South Milwaukee Police Department to direct their efforts towards the achievement of the goals and objectives of the Department. Command and supervisory officers (OIC) have the additional responsibility of direction of personnel under their command.

All department members are reminded that professional courtesy is required. During critical situations in order to maintain safety of officers and citizens and to remain in control of said situation it will be necessary to maintain semi-military discipline.

This order consists of the following numbered sections:

- I. CHAIN OF COMMAND
- II. CHAIN OF COMMAND PROCEDURES
- III. COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY
- IV. EFFECTIVE DATE

I. CHAIN OF COMMAND

- A. Mayor
- B. Chief of Police
- C. Captains
- D. Lieutenants
- E. Officer in Charge
- G. Line
 - 1. Sworn Personnel: Police Officers, Investigators and Police School Liaison Officers.
 - 2. Non-sworn Personnel: Public Safety Officers, Clerks, Auxiliary Officers, and Police Chaplain.

II. CHAIN OF COMMAND PROCEDURES

- A. Personnel will utilize the chain of command within their shift and division in order to preserve agency continuity and integrity.
- B. Department Exceptions
 - 1. Absence of a superior officer and the matter needs timely or immediate attention.
 - 2. Information that, in an officer's or employee's judgment, should be directed to the Department's Internal Affairs Unit, may be forwarded to the Internal Affairs Commander without following the chain of command.
- C. Organizational Communications

Recognizing the importance of maintaining departmental continuity, all personnel will utilize the chain of command for communication of information within the Department. Supervisors shall, to the best of their abilities, facilitate both downward and upward communication accurately and effectively within the organization.

D. Insubordination

1. Any superior, regardless of shift or division, has command over a person of subordinate rank.
2. Members shall promptly obey any lawful orders of a ranking officer. This will include orders relayed from a ranking officer by a member of the same or lesser rank (General Order ADM-11: Rules of Conduct - Rule #18).
3. If a subordinate receives a conflicting order from a superior other than their own, the subordinate must obey the order, advising the second supervisor of the conflict in the order. Then, at the subordinate's first opportunity, they will report the second order to their supervisor. The supervisor issuing the conflicting order will do likewise with explanation.

E. Departmental Respect

When within public presence, all personnel will address those above them in rank, by ranking title. Such an atmosphere enhances the semi-military, organizational spirit of the Department.

III. COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY

A. Chief of Police

1. Authority: The Chief of Police is the Chief Executive Officer of the Department and the final departmental authority in all matters of policy, operations and discipline. The Chief of Police exercises all lawful powers of their office and issues such orders as are necessary to assure the effective performance of the Department.
2. Responsibilities: Through the Chief of Police, the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling, and

staffing all activities of the Department; for its continued and efficient operations; for the enforcement of rules and regulations within the Department; for the completion and forwarding of such reports as may be required by competent authority; and for the Department's relations with the citizens of South Milwaukee, the city government and other agencies.

3. Acting Chief of Police: The Chief of Police will designate one member of the command staff as Acting Chief of Police during scheduled absences.
 - a. In the event of an unscheduled absence or during a time when a command staff member has not been designated as the Acting Chief of Police, the commanding officer of the Operations Division shall exercise first authority. In the absence of the Chief of Police and the commanding officer of the Operations Division, the commanding officer of the Administration and Services Division shall assume authority.
 - b. Acting Chief of Police assumes the full authority of the Chief of Police.
4. Delegated Authority-Accountability: All command officers, supervisors and officers-in-charge have general delegated authority to make decisions and take actions necessary for the effective execution of their responsibilities. All department personnel are fully accountable for their use or failure to use delegated authority and responsibility.

B. Commanding Officers

Authority and Responsibilities: Subject to direction from higher command, a commanding officer has direct control over all members and employees within their command. In addition to the general and individual responsibilities of all members and employees and supervisory officers, a commanding officer is responsible for the following:

1. Command: The direction and control of personnel

under their command to ensure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and/or supervision in their absence.

2. **Loyalty and Esprit De Corps:** The development and maintenance of esprit de corps and loyalty to the Department.
3. **Discipline and Morale:** The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
4. **Interdivisional Action:** The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to their command when delay, necessary to inform the proper unit, might result in a failure to perform a police duty.
5. **Organization and Assignment:** Proper organization and assignment of duties within their unit to assure proper performance of departmental functions and those of their command. The commanding officer shall provide for unity of command to ensure that personnel and functions are the responsibility of one supervisor. Commanding officers shall also provide for a reasonable span of control, ensuring that supervisors can effectively direct, coordinate and supervise personnel assigned to their command.
6. **Reports and Records:** Preparation of required correspondence, reports and maintenance of records relating to the activities of their command. Assurance that information is communicated up and down the chain of command, as required.
7. **Maintenance:** Assurance that equipment, supplies and material assigned to their command are correctly used and maintained.

C. Officer-In-Charge (OIC)

Authority and Responsibilities: OICs are members or

employees appointed in charge of one or more members and/or employees. In addition to the general and individual responsibilities of all members and employees, each OIC is specifically responsible for the following:

1. **Supervision:** An OIC may be assigned to field or office duties. During their tour of duty, they must closely supervise the activities of their subordinates, making corrections where necessary, and commending where appropriate.
2. **Leadership.** Effective supervision demands leadership. Provision of leadership shall include on-the-job training, as needed, for efficient operation and coordination of effort when more than one member or employee is involved.
3. **Direction.** OICs must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual sphere of supervision if the police objective or reputation of the Department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily or unreasonably.
 - a. If an OIC requires a subordinate (other than their own) to leave a regular assignment, the OIC, so directing, will inform the subordinate's own supervisor, as soon as possible.
4. **Enforcement of Rules, etc.:** OICs must enforce Department Rules and Regulations and ensure compliance with Department Policies and Procedures.
5. **Inspection:** OICs are responsible for inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
6. **Assisting Subordinates:** An OIC shall have working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made

with the public by their subordinates and be available for assistance or instruction as may be required. OICs shall respond to calls of serious emergencies, felonies in progress, assaults and others unless actively engaged in a police incident. They should observe the conduct of the assigned personnel and take active charge when necessary.

IV. EFFECTIVE DATE

The effective date of this order is April 6, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-08

INDEX AS: Manpower Assignments

REPLACES: G.O. 16-28

EFFECTIVE: 06-22-2016

WILEAG: 6.1.1

SUBJECT: Manpower Assignments

PURPOSE: The purpose of this General Order is to define shift assignments, and provide for the distribution of patrol personnel.

This order consists of the following numbered sections:

I. TIME ASSIGNMENTS

II. DAILY PATROL STRENGTH

III. EFFECTIVE DATE

I. TIME ASSIGNMENTS

A. The following time assignments shall be maintained by the patrol section, subject to adjustment by the Operations Commander, in accordance with the demands for police services. These time assignments shall ensure 24 hour police coverage.

1. First Watch (day shift) - 7:40 a.m. to 4 p.m.

2. Second Watch (early shift) - 3:40 p.m. to midnight

3. Third Watch (late shift) - 11:40 p.m. to 8 a.m.

B. Officers are assigned to shifts by contractual agreement.

II. DAILY PATROL STRENGTH

- A. Personnel assignments shall be maintained by the patrol section, subject to adjustments by the Operations Commander in accordance with the demands for police services.
- B. Whenever it is necessary to call in off-duty officers to meet a manpower need call-ins shall be conducted per the labor contract.

III. EFFECTIVE DATE

The effective date of this order is January 28, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-37

INDEX AS: Licensing Officer

REPLACES: G.O. 16-07

EFFECTIVE: 02-16-2016

WILEAG:

SUBJECT: Licensing Officer

PURPOSE: The purpose of this General Order is to insure compliance with Wisconsin State Statutes and South Milwaukee Ordinances relating to alcohol, amusement machines, gambling and tobacco. The South Milwaukee Police Department shall conduct background checks on prospective license holders, inspections of the premises which have been granted licenses and the investigations of complaints regarding alcohol, amusement machines, gambling, and tobacco.

This order consists of the following numbered sections:

- I. LICENSING OFFICER
- II. DUTIES OF LICENSING OFFICER
- III. DUTIES OF REPORTING OFFICER
- IV. LEGISLATION AND PERMITS COMMITTEE
- V. INVESTIGATIONS
- VI. EFFECTIVE DATE

I. LICENSING OFFICER

- A. The Licensing Officer will be selected by the Chief of Police.

- B. The Licensing Officer will assign officers to assist in the performance of related duties as needed.
- C. Assigned officers will familiarize themselves with City Ordinances – Chapters: 19, 20, and 24.

II. DUTIES OF THE LICENSING OFFICER

A. Alcohol

- 1. Records:
 - a. Maintain a file containing the name of each alcoholic beverage license holder and the name of each bartender so employed.
 - b. Conduct a background investigation on each liquor license application and obtain a photograph of each applicant.
 - c. Conduct a background investigation on each bartender license application and obtain a photograph of each applicant.
 - d. Maintain a copy of offense reports when a license holder was found to be in violation of Wisconsin State Statutes or South Milwaukee Ordinances.
- 2. Inspections: Periodic inspection of licensed premises for compliance with Wisconsin State Statutes and South Milwaukee Ordinances.

B. Amusement Machines

- 1. Records: Maintain a file on license holders.
- 2. Inspections: Periodic inspection of the machines for compliance with Wisconsin State Statutes and South Milwaukee Ordinances.

C. Gambling

Records: Maintain a file on any information received related to suspected gambling.

D. Tobacco

1. Records: Maintain a file on establishments in which problematic information has been received in relation to across the counter or machine sales of cigarettes.
2. Inspections: Periodically inspect licensed cigarette machines for license and location of machines.

III. DUTIES OF REPORTING OFFICER

Reporting officers are to forward a copy of all reports which they investigate which substantiate violation of Wisconsin State Statutes or local ordinance with regards to alcohol, amusement machines, gambling and tobacco to the Licensing Officer and the Chief of Police.

IV. LEGISLATION AND PERMITS COMMITTEE

The Licensing Officer is to work in conjunction with the Legislation and Permits Committee.

- A. Upon completion of the background check, the Licensing officer will recommend that the application be approved, reviewed, or denied. This recommendation will then be forwarded to the Chief of Police for endorsement and will then be forwarded to the Legislation and Permits Committee in the form of an official recommendation.
- B. Upon request of the Legislation and Permits Committee, the Licensing Officer will conduct any necessary follow-up investigations.
- C. The Licensing Officer (or their designee) will attend hearings at the request of the Legislation and Permits Committee.

V. INVESTIGATIONS

At times, depending on the nature of the information, it may be necessary to conduct certain investigations or surveillance. Alleged violations of these provisions shall be brought to the attention of the shift supervisor and all reports related to the violations will be forwarded to the Licensing Officer.

VI. EFFECTIVE DATE

The effective date of this order is August 12, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-05

INDEX AS: Strip Search
Disabled Persons Searches
WILEAG: 1.7.7; 7.1.1

REPLACES: G.O. 18-28
EFFECTIVE: 09-28-2018

SUBJECT: Strip Searches

PURPOSE: The purpose of this General Order is to establish guidelines for conducting strip searches, in accordance with the provisions of Wisconsin State Statutes 968.255 and 968.256.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. WHEN STRIP SEARCHES MAY BE CONDUCTED
- III. AUTHORIZATION
- IV. WHO MAY CONDUCT STRIP SEARCHES
- V. WHERE STRIP SEARCHES MAY BE CONDUCTED
- VI. BODY CAVITY SEARCHES
- VII. DISABLED PERSONS
- VIII. REPORT OF STRIP SEARCH
- IX. EFFECTIVE DATE
- I. DEFINITIONS

The following definitions are included in Wisconsin State Statute 968.255:

- A. Detained means any of the following:
 - 1. Arrested for any felony.
 - 2. Arrested for any misdemeanor under Wisconsin State Statues: 167.30(1), 940.19, 941.20(1), 941.23, 941.231, 941.237, 948.60, or 948.61.
 - 3. Taken into custody under Wisconsin State Statute 938.19 and there are reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be covered under subdivisions 1 or 2.
 - 4. Arrested for any misdemeanor not specified in subdivision 2, any other violation of state law punishable by forfeiture or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he/she is detained.
- B. Strip Search means a search in which a detained person's genitals, pubic area, buttock or anus, or a detained female person's breast is uncovered and either is exposed to view or is touched by a person conducting the search.
- C. Physically Disabled Person means a person who requires an assistive device for mobility, including (but not limited to), a wheelchair, brace, crutch or artificial limb.
- D. Officers should also note that Wisconsin State Statutes also provide the following criminal penalties and civil remedies:
 - 1. A person who intentionally violates this section may be fined not more than \$1,000 or imprisoned not more than 90 days or both.
 - 2. This section does not limit the rights of any person to civil damages or injunctive relief.

II. WHEN STRIP SEARCHES MAY BE CONDUCTED

Strip searches may be conducted only when there is probable cause to believe that a detained person is concealing a weapon,

contraband or evidence of a crime.

III. AUTHORIZATION

- A. A person conducting the search must obtain prior written permission of the Chief of Police or his/her designee, unless there is probable cause to believe that the detained person is concealing a weapon. This written permission may be granted by the completion of the strip search authorization form (Attachment 1).
- B. For purposes of this order, authority to grant the required written permission to conduct strip searches is delegated to supervisors with the rank of Lieutenant or above by the Chief of Police. In the absence of a supervisor with the rank of Lieutenant or above, authority is granted to an OIC.

IV. WHO MAY CONDUCT STRIP SEARCH

The person conducting the search must be of the same sex as the person detained, unless the search is a body cavity search conducted under Section VI.

V. WHERE STRIP SEARCHES MAY BE CONDUCTED

- A. The search must be conducted in a secure area where the detained person is not exposed to the view of any person not conducting the search.
- B. The search must not be reproduced through a visual or sound recording.

VI. BODY CAVITY SEARCH

No person other than a physician, physician assistant or Registered Nurse licensed to practice in the State of Wisconsin may conduct a body cavity search.

VII. DISABLED PERSONS

- A. A search of a physically disabled person must be conducted in a careful manner.
- B. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking

sensation in some portion of their body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons.

VIII. REPORT OF STRIP SEARCH

A person conducting a strip search must prepare a report identifying the person detained, cause for the search, all persons conducting the search, the time, date and place of the search and the written authorization required by Section III, and must provide a copy of the report and authorization to the detained person.

IX. EFFECTIVE DATE

The effective date of this order is February 9, 2020

William R. Jessup
Chief of Police

Strip Search Authorization

I _____ (name of Supervisor/OIC) give permission to

Officer _____ to conduct a strip search on

_____ (Name/D.O.B. of person to be searched) for
the

purpose of searching for contraband or evidence of a crime. The reason for the search is
based on the following information:

SMPD Case #_____

Date/Time of search:_____

Address where search was conducted: _____

Persons present for the search:_____

Signed (Supervisor Authorizing Search)

Date/Time



SOUTH MILWAUKEE POLICE

GENERAL ORDER 21-09

INDEX AS: Use of Force

REPLACES: G.O. 20-44

EFFECTIVE: 11-16-2020

WILEAG: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 2.4.5, 10.1.3, 10.1.6

SUBJECT: Use of Force

PURPOSE: The purpose of this General Order is to establish the South Milwaukee Police Departments policy concerning the use of force by officers. The sanctity of life is at the core of law enforcement's mission and our most important responsibility is to protect human life. Proper use of force decisions, based upon reasonableness, ensure due process for citizens as well as provide protection for the officer and Department.

This order is to assist the officer in making decisions about the use of force options and to enable the officer to articulate the facts and circumstances regarding the use of force to the officer's superiors, the community, and the judiciary.

POLICY: This policy is based upon the Defensive and Arrest Tactics program of the State of Wisconsin as set forth by the Law Enforcement Training and Standards Board (Department of Justice - Bureau of Training and Standards). Some technical words or phrases contained in the material from the State of Wisconsin have been changed to allow for a more complete understanding by officers and the community. **The South Milwaukee Police Department's Use of Force Policy adheres to all applicable federal, state, and local laws.**

This order consists of the following numbered sections:

- I. DISCUSSION
- II. INCIDENT RESPONSE - The "RESPOND" Model
- III. DISTURBANCE RESOLUTION

- IV. APPROACH CONSIDERATIONS
- V. INTERVENTION OPTIONS
- VI. DUTY TO INTERVENE
- VII. FOLLOW THROUGH CONSIDERATIONS
- VIII. REPORTING REQUIREMENTS & USE OF FORCE REVIEW
- IX. OTHER POST - INCIDENT ACTIONS
- X. PSYCHOLOGICAL SERVICES PROVIDED
- XI. EFFECTIVE DATE

I. DISCUSSION

Officers come into contact with people in a wide variety of contexts and many encounters are much like ordinary social or business contacts. In some situations, however, an officer's duties may require them to exert control over people by giving them orders, directing their movement, or even taking them into custody. An officer's goal is to always get subjects to comply voluntarily. If they do, Officers have achieved their objective without making the encounter unnecessarily adversarial and without any risk of injury to the officer or subject. Unfortunately, even the best efforts of the most skilled officer to gain voluntary compliance do not always work. Sometimes, Officers have to use physical force to achieve control and accomplish legitimate law enforcement objectives.

Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations: To achieve and maintain control of resistive subjects, To detain persons reasonably suspected of criminal behavior, To make lawful arrests, To defend themselves or others, and To prevent escape. Officers cannot use force to punish someone for something he or she has said or done. Officers cannot use force to retaliate against someone who has offended or angered them. Officers cannot use force to show someone "who's boss". Officers cannot use force to teach someone a lesson. The purpose of a law enforcement officer's use of force is to control.

In 1989, the United States Supreme Court found that law enforcement officers' use of force against subjects was a type of seizure, and therefore, under the Constitution had to be "objectively reasonable." In its decision, the Court laid out the issues to consider when deciding if a particular use of force is reasonable. These include the severity of the alleged crime at issue, whether the suspect poses an imminent threat to the safety of officers and/or others, and whether the suspect is actively resisting or attempting to evade arrest by flight. The Supreme Court stated that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. The Court also noted that officers must frequently make split-second decisions. By saying that the use of force had to be

“objectively reasonable,” the Court specifically excluded consideration of the officer’s intentions and motivations.

II. De-Escalation

The term de-escalate is used to describe the reduction of an application of force. An officer that is applying a knee strike and then moves into ground stabilization has de-escalated their level of force. Deescalation is a concept that involves an officer’s use of time, distance and relative positioning, in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual. De-escalation may not be a viable option in every situation, as there are many factors that influence its applicability. An officer must have the position of advantage to apply the concept of de-escalation. Although the law enforcement profession has a great deal of inherent risks, officers are not required to take unnecessary risks in order apply this concept as their risks need to be strategic, deliberate, and consistent with other DAAT principles.

III. INCIDENT RESPONSE - The “RESPOND” Model

Law enforcement officers must respond to a wide variety of calls— everything from traffic accidents to bar fights to burglaries. This guideline offers a basic “road map” to handling all sorts of situations, whether they are calls to which you are dispatched, situations you come upon on your own, or instances in which you are backing up another officer. The model has seven steps, built around the acronym RESPOND. This helpful guide can be found as Addendum A, attached to the end of this policy. Officers are encouraged to use this guide whenever necessary, but are not mandated to use the guide by this policy.

IV. DISTURBANCE RESOLUTION

The outline shown presents a more specific model of how to proceed when responding to any sort of disturbance or potential disturbance (i.e., serving an arrest warrant on someone).

DISTURBANCE RESOLUTION

APPROACH CONSIDERATIONS

Decision-Making

Justification
Desirability

Tactical Deployment

Control of Distance
Relative Positioning
Relative Positioning with Multiple Subjects

Team Tactics

Tactical Evaluation

Threat Assessment Opportunities
 Officer/Subject Factors
 Special Circumstances
 Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

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

FOLLOW-THROUGH CONSIDERATIONS

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

V. APPROACH CONSIDERATIONS**A. Decision Making**

Decision making considers whether the officer can legally contact the subject(s), and whether making contact is desirable. If the contact is not voluntary, and the officer does not have legal standing to initiate contact, the officer should not initiate an encounter. If intervention would be tactically foolhardy without additional resources, it would not be desirable to intervene until those resources arrive.

B. Tactical Deployment

Tactical deployment is concerned with making decisions about locating/positioning all officers in relation to the subject or situation and how the officers will work together.

1. **Control of Distance:** Officers should attempt to keep appropriate distances from subjects based on officer/subject factors along with any weapons the subject may have on their person.
2. **Relative Positioning with Single and Multiple Subjects:** Officers should attempt to position themselves in relation to a subject that will put them at an advantage.
3. **Team Tactics:** If more than one officer is available, they must coordinate their activities and communicate their actions. Two common tactics are Contact/Cover and Bracketing. These tactics allow one officer to focus their attention on communicating with the subject while the other officer ensures their safety.

C. Tactical Evaluation

During the tactical evaluation, the officer will assess the potential hazards in the contact, and decide how best to minimize them. If the tactical evaluation leads an officer to conclude that a situation is too dangerous to try to manage alone (in other words, you would be unlikely to succeed in controlling it) then in most cases, they will simply position themselves tactically and wait until they have sufficient backup. During the tactical evaluation, the officer will assess whether the subject presents a threat to the safety of the officers or others. The officer should consider many different factors to evaluate the degree of threat posed by the person, including threat assessment opportunities, officer/subject factors, special circumstances, and level/stage/degree of stabilization.

Tactical evaluation must continually be reassessed throughout the officer's encounter. The officer needs to remain flexible and able to adapt to changing circumstances.

Threat Assessment Opportunities - Threat assessment opportunities are behaviors by the subject that can give you information about the threat potential he or she poses. These behaviors can be clues that help you predict resistive behavior or a possible assault. These predictors could raise your threat assessment and/or take action.

- Level of Resistive Tension
 - 1. Conspicuously ignores you
 - 2. Gives you excessive emotional attention
 - 3. Moves in an exaggerated way
 - 4. Ceases all movement
 - 5. Has a known violent history
- Early Warning Signs
 - 1. Boxer stance
- Pre-Attack Postures
 - 1. Boxer stance

- 2. Handset/clenched fists
- 3. Shoulder shift, or rolling the shoulders forward as if preparing to attack
- 4. Target glance – looking at a potential target (such as your gun)
- 5. The “thousand-yard stare” – a direct, continuing, but unfocused stare

- Indications of Mental Illness, Emotional Disturbance, or Medically Significant Behavior
 - Abrupt onset – bystanders say, “he suddenly just started acting strange”
 - Agitation or excitement
 - Confusion and impaired thinking and perception
 - Bizarre, often violent behavior directed at objects, especially glass
 - Superhuman strength and insensitivity to pain
 - Profuse sweating and clothing removal caused by extremely high body temperature
- Weapon Control Factors: Circumstances that indicate the subject may intend to use a weapon against you, including these:
 - The subject’s hands (especially the palms) are out of sight
 - The subject’s access to weapons (you can see they are armed, they have access to a weapon, or you have information to that effect)
 - The subject is in a position to control one of your weapons
- Officer/Subject Factors: When you conduct your threat assessment, you should take into account these factors:
 - The **number** of officers compared to the number of subjects.
 - A significant **age** difference between officer and subject.
 - A significant difference in **size/strength** between officer and subject.
 - The officer is aware of a significant difference in **skill level** between officer and subject. (i.e. Subject is a skilled fighter, either trained in martial arts or boxing or simply a skilled street fighter)
- Special Circumstances: Special circumstances are factors or situations which may justify a rapid escalation of force or selection of higher force options. Some of these include:
 - Reasonable perception of threat
 - Special knowledge of the subject.
 - Sudden assaults.
 - Subject’s ability to escalate force rapidly
 - Your physical positioning.
 - Injury or exhaustion.
 - Equipment or training
 - Availability of backup.
 - Other special circumstances

VI. INTERVENTION OPTIONS

A. There are five modes of Intervention Options that an officer may use in the performance of duty. Although the Intervention Options are divided into five modes, officers will begin with the mode that is appropriate to gain and maintain control of a subject. Intervention Options are not necessarily a sequential progression. Intervention Options are inter-related and it would be unusual for one option to be used without being combined with another. The five modes are:

1. **Presence** - The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to "present a visible display of authority." Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.
2. **Dialogue** - The second mode, Dialogue, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives. The specific techniques used are covered extensively in Professional Communication Skills. The four levels of dialog are:
 - a. **Search Talk** - The asking of questions to help assess the subject and decide what to do next. The goal is to gather information.
 - b. **Persuasion** - Talking in a soft, normal tone of voice with the intent of persuading the subject to comply, short of ordering them to do so. Persuasion is intended to gain compliance from a subject while still maintaining a relatively non-threatening tone. The message is more assertive and directive than with search talk, but it still falls short of ordering the subject.
 - c. **Light Control Talk** - Using an insistent tone to order the subject to comply. If persuasion fails to get the subject to comply, or if the situation dictates a more pressing need for compliance, the officer will need to escalate to light control talk. Light control talk is more directive than assertive.
 - d. **Heavy Control Talk** - If light control talk fails to get the subject to cooperate or the situation requires immediate compliance, the officer will use heavy control talk, the highest technique within Dialogue. The officer's physical presence, tone of voice, and words all must convey intensity and commitment. The officer may issue ultimatums, in which they clearly indicate that the subject must comply or certain consequences will follow.
3. **Control Alternatives:** Includes a wide range of tactics and tools for controlling subjects, which are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called "pepper spray," and electronic control devices (ECDs). Control Alternatives are designed to control

subjects who are resisting or threatening to resist your lawful orders. As always, the overall purpose is to achieve compliance from a non-compliant subject, but these techniques are specifically geared toward overcoming both passive and active resistance or their threats.

- A. Escort holds - The goal of escort holds is to safely initiate physical contact. If a subject does not comply with your verbal directions, you can use an escort hold to gain control of the subject, preventing a physical confrontation. An escort hold also enables you to move the subject in a controlled way. Two techniques are used sequentially in this tactic: 1. Blanket the arm 2. Escort position
- B. Compliance holds - The goal of a compliance holds is to overcome passive resistance. Passive resistance occurs when a subject refuses to comply with a lawful directive from a law enforcement officer but does not engage in physical action likely to cause harm to the officer or another person. The tactic of compliance holds includes two techniques: Come-along and Pressure Points. Both of these techniques work by creating a temporary sensory overload on the subject, which allows the officer to establish control.
- C. Control Devices - The goal of a control device (OC spray and ECD) is to overcome active resistance or its threat. Active resistance, unlike passive resistance, involves a subject who is physically counteracting an officer's control efforts. The criterion of active resistance or its threat means that in general, control devices would not be appropriate to use against verbal aggression, against people who are running away, against children and older persons, and against persons engaged in peaceful civil disobedience unless reasonably justified by the circumstances covered in Approach Considerations.
 1. The goal for using **Oleoresin Capsicum** (herein referred to as OC) spray is to overcome active resistance or its threat. OC spray (also called "pepper spray") works by creating in the subject a variety of physical effects that may result in confusion and disorientation, thus disrupting the subject's ability to resist or continue to resist. After the subject has been taken into custody, and as soon as it is practical, the subject will be allowed to flush their eyes with clean water. Medical assistance will be summoned if any problems persist.
 2. **Electronic Control Devices** (ECD) are instruments in which a safe amount of electricity is used to affect the sensory and/or motor nervous system of the body. The ECD generates an electrical current that is transmitted to the subject's body through probes, either directly attached to the ECD (contact deployment) or attached to wires that are shot at the subject (distance deployment). The optimum range for deployment of the device is 7 to 15 feet. The first choice for a target area is the subject's back to include the buttocks and legs. The second choice would be the

subject's front to include the abdomen and legs. Special care must be taken to avoid hitting the subject in the face, neck, chest or groin. Any probes, which lodge in a person's face, neck, penis, or breast, will be removed by qualified medical personnel. Other probes will be removed by an officer who will properly collect them along with the rest of the cartridge pieces as evidence. The subject will be given the appropriate first-aid as soon as it is practical to do so. The device should not be used on people who are covered with or near flammable materials, and people who are in danger of falling to their death or receiving great bodily harm. When dealing with a subject armed with a club or edged weapon the ECD should not be the officer's primary weapon and should be introduced only after the subject has been contained and lethal cover is present. When used in these situations the officer will announce that an ECD is being introduced to the scene in order to eliminate contagious fire.

- D. **Passive countermeasures** - The goal of passive countermeasures is to decentralize a subject—in other words, to direct a subject to the ground. It is appropriate to use passive countermeasures if you reasonably believe that you will be unable to achieve control with the subject standing. In all of these techniques, the officer should minimize the chance of injury by protecting the subject's head and neck as much as possible and by controlling the subject's speed of descent. The techniques in this tactic are Secure-the-Head Decentralization, Hug-Yourself Decentralization, Lower-Your-Center Decentralization and Pull-In/Push-Down Decentralization.
- 4. **Protective Alternatives** - Include tactics and tools designed to protect officers while trying to overcome continued resistance, assaultive behavior or their threats. The tactics in this mode include Active Countermeasures, Incapacitating Techniques and Intermediate Weapons.
 - A. **Active Countermeasures** are designed to create a temporary dysfunction of an actively resistive or assaultive subject. In essence, you are interrupting the subject's ability to resist, enabling the officer to direct the subject to the ground for stabilization, handcuffing, and other follow-through procedures. Active countermeasures include stunning techniques and focused strikes. Stunning techniques involve directing a subject's torso into a wall or other surface. Focused strikes involve the officer's use of their fists, forearms, knees, and feet to create temporary dysfunction.
 - B. **Incapacitating techniques (i.e. the diffused strike)** - The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. The technique in this tactic is the Diffused Strike. The Diffused Strike disrupts nerve impulses to the brain by using a controlled strike of the forearm to the Brachial

Complex, a bundle of nerves located on the side of the neck at its base. Because the strike is delivered to the side of the subject's neck (the origin of the brachial plexus of nerves), when possible the officer must make an effort to stabilize the head to prevent striking other parts of the neck.

C. **Intermediate Weapons** - The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. The techniques in this tactic are the Baton and the 12 gauge kinetic energy impact device.

1. Baton – To accomplish the goal of the intermediate weapon, a strike or strikes to the area of the knee, or legs, with the baton are used to cause the subject's descent to the ground. Other trained techniques involve strikes to the elbow or arms. An intentional baton strike to the head is considered deadly force and would not be justified unless special circumstances exist.
2. 12 gauge kinetic energy impact device – This technique is intended to be less lethal than conventional munitions and can be used to bridge the gap between the use of a baton and deadly force. Generally, this round should be used when a baton strike is appropriate but the situation is too dangerous to move into the police baton range. A shot filled beanbag is housed in a standard 2 3/4 inch 12 gauge clear plastic round (visually distinct from conventional 12 gauge munitions) and is designed to be non-penetrating and collapses when contacting the target.
 - a. Only the Remington 870 shotguns with the orange less-lethal stocks will be used to fire the 12 gauge kinetic energy impact device. These guns will be kept in marked squads and will be stored unloaded with an attached sling holding only less-lethal rounds. The officer assigned to the squad must check, at the beginning of their shift, that the less-lethal weapon is unloaded and that no lethal rounds accompany the weapon.
 - b. At the scene of its intended use, the officer **MUST** verify that the weapon is unloaded, that no lethal rounds are present on the sling, and visually identify each round as being less lethal as the weapon is loaded. The officer will announce that they are introducing a less-lethal weapon to the scene. This will let other officers know that its use may be forthcoming, and eliminate lethal

contagious fire. If feasible, a warning should be issued to the subject.

- c. The operational deployment ranges are between 10 and 60 feet. This round should not be fired from a distance of less than 10 feet, as excessive penetration is likely to occur. The target areas from the front are; the arm below the elbow, the thigh, the leg below the knee, and the lower abdomen (hitting a subject in the lower abdomen results in a higher chance of incapacitation, but also a higher risk of serious injury). The target areas from the rear are; the arm below the elbow, the thigh, and the leg below the knee. Officers should evaluate each volley for effectiveness. After multiple solid hits, without seeing a positive effect, the officer should consider other options. When dealing with an armed subject the less-lethal shotgun should not be the officer's primary weapon and should be introduced only after the subject has been contained and lethal cover is present.
- d. An intentional shot to the head, throat, spine, or thoracic organs/chest is considered deadly force. Other factors which will affect the severity of the injury include; the suspect's clothing - heavy winter clothing may cause a lack of effectiveness, the size and stature of the suspect - smaller individuals will receive greater injury and/or death from abdominal hits, and distances - using this device from closer than 10 feet could cause lethal penetration or trauma. Care must also be taken to ensure that the suspect does not fall to their death or receive other unintended serious injuries. Like all use of force options, the officer needs to weigh the risk of serious injury against the need to control the situation.
- e. After the device has been used and subject control has been gained the subject should be handcuffed. An ambulance will be called and the officer will monitor the subject's condition until they are relieved by medical personnel.

5. **Deadly force** - Deadly Force represents the highest level of force available to law enforcement officers and is defined as the intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm. Behavior that justifies the officer's use of deadly force is that

which has caused or imminently threatens to cause death or great bodily harm to the officer or to another person(s).

- a. For an “imminent threat” to exist three factors must be present. The subject must display or indicate the intent to cause great bodily harm or death. The subject must have a weapon capable of inflicting great bodily harm or death, and the subject must have a delivery system - that is, the capacity for the utilization of a weapon (some unarmed persons are capable of deadly force, and some people using seemingly non-lethal instruments can cause serious injury or death.). The intended result of the use of deadly force is the immediate cessation of the subject behavior. Deadly force should only be used when all other means of force are precluded (that is that all other lower options are closed, i.e. you do not have the time or ability to use them or they would be inappropriate, so deadly force is a reasonable response) and when the threat is imminent.
- b. The existence of a fleeing felon does not in and of itself justify the use of deadly force. The officer must reasonably believe that the actions of this person constitute an imminent threat of death or great bodily harm to the officer or another person.
- c. **The discharge of a warning shot is not justified unless the use of deadly force is justified and there is no chance of striking a non-involved person.**
- d. Before being issued a firearm by the Department all new officers will be issued a copy of this policy and will need to demonstrate their understanding of it to their supervisor or Field Training Officer.
- e. **The South Milwaukee Police Department does not train in or allow the use of any chokehold or the lateral vascular neck restraint. These are only authorized as a deadly force option when an officer or another person is in imminent danger of death or great bodily harm. Any other use is prohibited.**
- f. **The South Milwaukee Police Department does not train in or allow Officers to shoot at moving vehicles except as a deadly force option when an officer or another person is in imminent danger of death or great bodily harm and a greater danger exception exists. That is, the danger of not using deadly force outweighs the risk of using deadly force. Possible scenarios where a greater danger exception may exist would be:**
 1. **The vehicle is being utilized as a weapon and being driven directly at a person or persons.**
 2. **An occupant of the vehicle is actively shooting at persons from the vehicle.**

- h. See General Order ORG-9: Firearms Policy, regarding the off-duty use of department-issued and other firearms.

VII. DUTY TO INTERVENE

Any officer who personally observes another officer using force which the observing officer believes to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such excessive force, if the observing officer is in a position to do so and if any such intervention does not jeopardize safety. Any intervening officer shall promptly report their observations along with his/her own intervening actions to a supervisor. A failure to intervene in any unreasonable use of force, when there is an opportunity to do so will be considered a policy violation of Adm 11. Sec. 2 – Unbecoming Conduct.

VIII. FOLLOW THROUGH CONSIDERATIONS

- A. The third part of the Disturbance Resolution is Follow-Through Considerations, which refers to the actions an officer takes after the use of force. Once control of a subject is gained, the officer is responsible for that person's well-being.
- B. The six steps for follow-through considerations officers must do are:
 1. **Stabilize** - Stabilizing a subject means ensuring that the person is under control and does not pose an imminent threat to officers or civilians. If appropriate, handcuffs are applied during this step.
 2. **Monitor/Debrief** – During this step, the officer must remain aware and watchful with the subject throughout their contact until that person is no longer under the officer's control. The officer must use this time to attempt to bring the situation back to normal by calming all people involved. Also during this time, the officer must do an initial medical assessment (physically and mentally) and gauge the need for medical care for the subject.
 - a. **Physically** - Render first aid/CPR to the level of their training. If needed, call an ambulance/paramedics or whatever advanced medical assistance is necessary and available.
 - b. **Mentally** - The officer must attempt to determine if there is a possibility that the subject may be going through a "Medically significant behavior"

1. **Medically Significant behaviors** - The term “medically significant behavior” cannot be precisely defined. It includes a variety of behaviors that indicate a serious and potentially life-threatening medical condition is present. A contemporary theory of “Medically Significant Behavior” suggests that many in-custody deaths are associated with, or the result of, underlying medical problems, often combined with the use of illicit drugs, alcohol withdrawal, or use of psychotropic medications. These medical problems may be exacerbated by prolonged struggles with police. Immediate medical intervention may be able to reverse these changes and may save the life of the subject.

Your immediate goals remain the same as always: to stabilize the scene and preserve life and evidence. How you accomplish these goals, however, may change. If a person is experiencing Excited Delirium or some other medical problem that is contributing to violent behavior, your response tactics should be geared to accomplish the following:

- Avoid increasing the subject's agitation or excitement
- Minimize physical struggles with the subject
- Minimize the use of restraints
- Get medical care for the subject as quickly as possible

Continue to monitor and provide custodial care, remaining with the subject until released to someone with equal or greater training.

2. **Search** – When legally allowed to do so (ie. incident to arrest), a thorough search is crucial to ensure that the arrested person does not have any weapons concealed on his or her person. Whenever you perform a search, be sure that your search is professional and systematic. Officers must thoroughly search all subjects in custody before transporting or turning them over. Any time that an officer accepts custody of a subject from another agency the subject will be searched.
3. **Escort** - If needed, you will escort a subject to another location—to a vehicle for transport, or from a holding cell to jail, for example. You must remember your custodial responsibility and stay alert, continuing your threat assessment.

Because the subject does not have the use of his or her hands, you must be sure that you maintain physical contact with the subject at all times, to prevent injury if he or she

should stumble or trip. How cooperative the subject is will determine the degree of control you exercise in the escort.

4. **Transport** - Similarly, you may need to transport a subject in a vehicle. If you must transport an arrested person to another location, such as a jail, you are responsible for that individual's safety during transport. Normally you will transport a subject in the rear seat of your squad (transporting in the front seat is not recommended, because of safety issues)
5. **Turnover/Release** – The process of removing a subject from your control either by turning them over to another officer or releasing the person from your custody.

IX. REPORTING REQUIREMENTS & USE OF FORCE REVIEW

An offense/incident report will be completed for all incidents, which involve the use of physical force or the use of or threatened use of any weapon (this applies to the pointing of all firearms – including the less-lethal shotgun – the loading of a baton, and the threatened use of ECDs and/or OC).

- A. The officer who writes the main incident report is responsible for completing the use of force information (checkboxes) in the report system for ANY and ALL use of physical force or the use or threatened use of a weapon by ANY officer involved in the incident.
- B. The officer who used the force is responsible for providing a detailed narrative including what led up to the use of force, the actual use of force (type and description of how it was used) and what happened afterward including details of any injuries and medical assistance that was offered or sought out.
 1. This standard applies whether it was the officer who was injured, the subject who was taken into custody, or a non-involved bystander. The injury does not need to be visible or even believed to exist. All that is necessary is a claim of injury.
 2. An offense/incident report will be completed for any police use of a weapon. This would apply to the non-training related discharge of a firearm whether accidental or intentional, and the discharge or use of a 12 gauge kinetic energy device, baton, ECD, and/or OC.
 3. The narrative of the offense report will contain all of the information on which the officer based their use of force.
 4. Before signing reports containing use of force documentation, supervisors will verify that the report(s) contain all of the relevant

facts. Reports, which are incomplete, will be rejected for completion. The attached addendum should help with the preparation and review of these reports (Addendum A).

5. Upon review and approval of the reports detailing any of the above Use of Force incidents (Section V, A-C) the approving supervisor (or OIC) shall notify the Command Staff member who has been assigned to complete the Use of Force Reviews.
 - a. The supervisor or OIC will provide the Command Staff member the incident number of the use of force incident for review.
 - b. ALL reports will be reviewed with a focus on the quality of the report and to identify any need for improved training. (While this review is not intended to be disciplinary in nature, a failure to document the use of force may result in discipline.)
 - c. On an annual basis, the Command Staff member assigned to conduct the Use of Force Incident Reviews will provide an Annual use of Force Analysis report to the Chief to identify any trends that could reveal the need for any training, equipment or policy modifications.

X. OTHER POST INCIDENT ACTIONS

- A. When deadly force has been used by the police the scene will be secured to allow for a thorough investigation of the incident. If the use of force involved a firearm the weapon will be retained by the officer in charge and treated as potential evidence until the investigation is complete. If applicable, a replacement firearm will be issued to the officer.
- B. The officer whose use of force results in a death or great bodily harm shall immediately be removed from any line duty assignment, pending review by the South Milwaukee Police Department (Internal Investigation) and the Milwaukee County District Attorney's Office.
- C. The incident will be investigated by an outside agency per the Milwaukee County Law Enforcement Executives Association MOU – Investigation of Law Enforcement Involved Fatalities/Great Bodily Harm (2013 WI Act 348/Wisconsin State Statute 175.47).
- D. After this review, the Chief of Police or their designee will critique the incident to determine whether policy, training, weapon/equipment, or discipline issues need to be addressed.
- E. See General Order ORG-29: Officer-Involved Critical Incidents.

XI. PSYCHOLOGICAL SERVICES PROVIDED

- A. In all cases, where any person has been injured or killed as a result of a firearm discharged by a department police officer, or killed by any other use of force, the involved officer will be required to undergo a debriefing with a Department designated psychiatrist or psychologist, as soon as possible. The purpose of this debriefing will be to allow the officer to express their feelings and to deal with the moral, ethical and/or psychological aftereffects of the incident. The debriefing shall not be related to any Departmental investigation of the incident and nothing discussed in the debriefing will be reported to the Department. The debriefing session will remain protected by the privileged physician/patient relationship.

- B. In all cases, where any person has been injured or killed as a result of a firearm discharged by a department police officer, or killed by any other use of force, the involved officer's family will have available to them, the services of the Department appointed psychologist or psychiatrist, at Department expense. The purpose of this offer is to provide the officer's family a source of professional consultation to aid them in dealing with the potential moral and ethical aftereffects of the incident. The psychological services shall not be related to any Departmental investigation of the incident. Nothing discussed will be divulged to the Department. The consultation sessions will remain protected by the privileged physician/patient relationship.

XII. EFFECTIVE DATE

The effective date of this order is January 26, 2021

William R. Jessup
Chief of Police

Addendum A

RESPOND model

(Published in the Law Enforcement Standards Board – Defense and Arrest Tactics Manual)

INCIDENT RESPONSE - The “RESPOND” Model

Law enforcement officers must respond to a wide variety of calls— everything from traffic accidents to bar fights to burglaries. This guideline offers a basic “road map” to handling all sorts of situations, whether they are calls to which you are dispatched, situations you come upon on your own, or instances in which you are backing up another officer. The model has seven steps, built around the acronym RESPOND:

R - Report

Become aware
Plan response
Arrive/Assess
Alarm/Inform

E - Evaluate

Look for Dangers
Determine backup needs
Enter when appropriate/tactically sound

S - Stabilize

Subject(s)
Scene

P- Preserve

Life
Conduct an initial medical assessment (as trained)
Treat to the level of training
Continue to monitor the subject(s)
Evidence

O - Organize

Coordinate additional responding units (if necessary)
Communicate with dispatch and others
Organize the collection of evidence (if appropriate)

N - Normalize

Provide long-term monitoring (as appropriate)
Restore scene to normal
Return radio communications to normal

D - Document/Debrief

Debrief self, other responding personnel, subject(s), other persons
Document incident appropriately

Report -

When an officer becomes aware of an emergency situation, whether they are dispatched to it or observe it happening, must plan how to approach the situation, both from a tactical standpoint and from an investigatory one. When the officer has arrived on the scene, they must make an initial assessment of the situation and communicate what (if any) additional resources (EMS, the fire department, backup units, or specialized teams such as a SWAT team or a Hazardous Materials unit) are needed.

Evaluate -

Once on the scene, the officer must evaluate the nature of the situation and whether and how you should proceed. If your evaluation leads you to a decision to enter the scene, do so as safely as possible.

Stabilize -

The first priority for the officer is to stabilize the situation and the people involved, so as to prevent further escalation or deterioration.

Preserve -

As soon as the scene is stable, the next priority is to preserve life and preserve evidence—in that order.

Organize -

The first responding officer must organize the actions, needed resources, and investigation of the incident until replaced a supervisor.

Normalize -

The officer's next responsibility is to things back to normal. As soon as is consistent with good police practice, the officer will help restore the scene to its normal condition (debris from an accident is removed from a roadway and traffic flow is restored, or that all witnesses have been interviewed and sent on their way, or that crowds have been dispersed, etc.

Document/Debrief -

One of the most important steps in managing any emergency is documenting it. It is critical that the officer document all the important aspects of the situation. Debriefing involves helping subjects, responding personnel and other persons involved to calm down and begin to get back to normal.

APPENDIX C: DISTURBANCE RESOLUTION

APPROACH CONSIDERATIONS

Decision-Making

- Justification
- Desirability

Tactical Deployment

- Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

Tactical Evaluation

- Threat Assessment Opportunities
- Officer/Subject Factors
- Special Circumstances
- Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

MODE	PURPOSE
A. Presence	To present a visible display of authority
B. Dialog	To verbally persuade
C. Control Alternatives	To overcome passive resistance, active resistance, or their threats

D. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	To stop the threat

FOLLOW-THROUGH CONSIDERATIONS

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



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-10

INDEX AS: Personal Appearance
Uniform Standards
Civilian Clothing Standards

REPLACES: G.O. 16-19
EFFECTIVE: 03-11-2016

WILEAG: 2.4.4, 1.2.3, 6.1.7

SUBJECT: Personal Appearance and Clothing Standards

PURPOSE: All members of the Department are visible representatives of the City and the Police Department. Recognizing this, it is the purpose of this General Order to establish guidelines for employees to follow in regards to personal grooming, clothing, and equipment standards. During duty hours, uniforms and civilian clothing are to be neat and clean in appearance, and officers and employees of the Department should be well groomed unless expressly authorized by their supervisors when their duty assignments or duties permit a departure from these standards.

This order consists of the following numbered sections:

- I. GROOMING STANDARDS
- II. MANNER OF DRESS ON DUTY
- III. CLOTHING AND EQUIPMENT DAMAGE OR LOSS CLAIMS
- IV. INSPECTION
- V. EFFECTIVE DATE

I. GROOMING STANDARDS

- A. Members of the Department shall be neat and clean at all times while on duty. All personnel shall comply with the following grooming standards unless excluded by the Chief of Police due to special assignment.

1. Hair: Hair shall be neat, clean and present a groomed appearance. Extreme hair styles, such as cornrows, mohawks, dreadlocks, etc. are prohibited. Extreme hair coloring is also prohibited. Hair must be of such a length and style as to not interfere with the wearing of uniform hats, or riot helmets.
 - a.) Male Officers: no longer than the bottom of the back of the shirt collar when standing.
 - b.) Female Officers: no longer than 4" beyond the bottom of the back of the shirt collar when standing. A braid, bun or ponytail is acceptable. Conspicuous pins, barrettes and combs are not authorized.
 - c.) Wigs and toupees may be worn in conformance with the above guidelines. Plain-clothed officers are exempt from the above restrictions but shall have reasonable (conservative) hair styles.
2. Sideburns: If any individual chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as the haircut. Sideburns will be evenly trimmed on each side of the face and will not extend below the ear lobe. Sideburns may not be more than 1½" wide, nor thicker than ¼".
3. Mustaches and Beards: Officers may wear beards, vandykes, goatees, mustaches or other arrangements that are maintained in a neat, clean manner, presenting a groomed appearance and that do not interfere with the wearing of necessary police equipment or expose the wearer to undue risk or hazard. The beard must be shaved off of the neck area, and the beard must be started at the beginning of at least seven consecutive days off. The length of the beard shall not exceed **one inch**. Edges of the beard will not be allowed to curl or stand away from the face. Mustaches may not extend more than ½" past, and not below the corners of the mouth.

In all cases the Chief of Police reserves the right of final determination/approval on facial hair.

4. Tattoos & Body Piercing: Tattoos and body piercing includes, but is not limited to intentional abnormal shaping of the ears; foreign objects inserted under the skin; pierced, split or forked tongue; dental ornamentation; scarification. Visible tattoos on the ears, head, face or neck area are prohibited.

Department members with a pre-existing tattoo(s) that is visible to the public while on duty or in uniform must submit a request for approval of visible tattoos to the Chief of Police. The Chief will make the determination if the tattoo(s) is inappropriate, unprofessional, or excessive. A pre-existing tattoo(s) that is considered by the Chief to be inappropriate, unprofessional, or excessive must be covered in a fashion that is deemed satisfactory by the Chief or removed at the member's expense.

If the Chief approves the tattoo(s), the member is not required to cover it with clothing or makeup. However, all subsequent visible markings and tattoos must be approved by the Chief or be covered.

Tattoos or other markings that promote racism/discrimination, indecency, extremist or supremacists philosophies, lawlessness, violence, or sexually explicit material are prohibited and that determination will be made by the Chief.

Excessive markings are those that are visible while wearing a department uniform and exceed one third of the exposed body part.

Applicants for employment shall be removed from consideration if they are unable or unwilling to comply with this policy.

B. Jewelry: All officers may wear:

1. One ring on each hand (A combination wedding band and engagement band is considered one ring).
2. One watch
3. One wrist bracelet

4. One visible neck chain that does not lie on the outside of the uniform, and that is no more than 1/4 inch wide.
5. Female officers may wear one pair of stud pierced earrings, however, male officers may not wear earrings.
6. Any jewelry worn must not present a hazard to the officer.
7. Any jewelry that is visible to the public must be unobtrusive, and must present a neutral appearance.
8. No member may wear on their attire any non-issued button, pin, medal, emblem, patch, decoration or any other insignia unless approved by the Chief of Police or his/her designee.

II. MANNER OF DRESS ON DUTY

The Department's uniform and clothing standards are based on the requirements of an employee's position in the Department with regard to visibility, community acceptance and the physical aspects of the responsibilities of their particular assignment. In order to assure easy public recognition and maintain a professional appearance, certain standards of dress have been established.

- A. Patrol Uniform Wear: The uniform will be worn in compliance with the regulations indicated below:
 1. Uniforms shall be kept clean and pressed and will not be unkempt, faded and/or worn out. Uniforms will always be worn complete with buttons, insignia, badge and name tag/tape in place.
 - a. Uniform shirts and jackets worn for daily operations will have the badge, nametape, and U.S. flag sewn on them. Rank insignia will be displayed on shoulder boards or embroidered directly onto the epaulet. In the case of uniform jackets and wooly pulley sweaters that do not have functional buttons on the epaulets, metal insignia may be worn or embroidered insignia may be sewn on.
 - b. Uniform shirts worn for court, or other formal

occasions, may be worn with the metal badge, metal name tag, metal insignia (or shoulder boards) and sewn on U.S. flag.

- c. Nametapes will be embroidered in silver thread for patrol officers and gold thread for command staff. Officers may have their last name only, or include the initial of their first name in front of the last name. Command staff can include their rank on the nametape as well, either abbreviated or written out.
- d. Service stripes are an optional uniform item that may be worn by officers on their long-sleeved shirt or winter jacket. One service stripe will equal four years of service.
- e. No U.S. flag or service stripes will be worn on wooly pulley sweaters.

2. An officer may wear either an approved long-sleeved or short-sleeved uniform shirt, regardless of the season.
3. The long sleeved uniform shirt may be worn with an approved uniform tie, or may be worn open at the collar without a tie. A tie may be required for special events at the discretion of a commanding officer.
4. When any uniform shirt is worn open at the collar, an officer may wear a white or black T-shirt, black dickey, or black turtle neck exposed at the neck. No other color T-shirt, sweater, dickey or turtle neck may be worn exposed at the neck.
5. An officer must wear approved uniform trousers.
6. Leather footwear worn with the uniform must be black and must be kept clean and polished. Non-leather footwear worn with the uniform will be black and will be well maintained in whatever manner is required of the material.
7. Wearing the uniform hat is optional, unless a commanding officer requires that a hat be worn for a particular assignment. For those officers who choose

to wear headgear, the following are authorized:

- a. The 8 point dress cap with metal six point badge
- b. A black or navy blue baseball cap with "Police", "South Milwaukee Police/PD" embroidered onto it, and/or department badge patch sewn on,
- c. Black or navy blue watch cap (department badge patch sewn on is optional), mouton cap with metal six point badge, or ear muffs.
- d. Riot helmets will be worn when directed to do so by a supervisor, or exigent circumstances indicate that this level of protection is warranted.

8. Officers are required to carry a reasonably accurate watch while on duty.
9. Other equipment, such as a holster, garrison belt, handcuff case, handcuffs, handgun and any other issued or authorized equipment will be maintained so as to retain its proper function and appearance.
10. Uniformed members of the Department shall wear their required uniforms while on duty and may wear the uniform when commuting to and from work, and when participating in an authorized departmental function. When the uniform is visible, and the officer is thereby identifiable as a police officer, a department authorized handgun shall be worn. This does not apply if the uniform shirt is covered by a non-uniform outer garment. Members shall not wear departmental uniforms in any other off duty or unauthorized capacity.
11. Gloves must be black or navy blue in color. Scarves may also be used, but must be black or navy blue in color as well. Scarves should be worn around the neck and tucked inside the jacket so as not to present an unsafe condition for the officer.
12. Officers may utilize the navy blue cover-all with department patches, and the navy blue "woolly pulley@ sweater during the winter months. If the garment is worn as the outermost garment, it must contain all required patches, name plates, and badges. Navy

blue or black snow pants may be worn, on days of inclement winter weather conditions.

B. Bicycle Patrol Uniform:

Bicycle patrol officers shall wear the departmentally approved bicycle patrol uniform, unless undercover bicycle patrol has been approved or assigned by a supervisor:

1. Bicycle patrol shirt
2. Blue shorts or approved police uniform trousers
3. Bicycle footwear

C. Clothing for Court Appearances:

Uniformed officers may wear appropriate civilian clothing to court appearances if they so desire, or if they are directed to by a court official, such as the City Attorney or an Assistant District Attorney.

D. Body Armor:

1. The wearing of body armor shall be mandatory.
2. Body armor is furnished to each officer.
3. Body armor is replaced by the City when the warranty expires, or when worn out or damaged in the course of duty, whichever is shorter. Officers will be notified when it is time to replace their vest according to the 5 year expiration schedule. Officers with a vest that is in need of replacement, or is damaged, prior to that time should follow the procedures in set forth in Section III of this policy. The amount the City contributes towards body armor is in accordance with the current SMPPA contract. Officers will purchase their vest and have the City billed for the amount covered in the SMPPA contract. Any amount over that is the responsibility of the officer.



[REDACTED]



[REDACTED]

Term	Percentage
GMOs	~75%
Organic	~85%
Natural	~70%
Artificial	~50%
Organic	~85%
Natural	~70%
Artificial	~50%
Organic	~85%
Natural	~70%
Artificial	~50%

5. Body armor shall be required while participating in any special operations such as conducting search warrants, arrest warrants, barricaded subject situations or other similar high-risk operations.

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F. Civilian Uniform:

Civilian members of the Department will wear their uniforms in compliance with those sections in II.A. which apply to civilian members.

1. Civilians will wear the department approved uniform consisting of dark dress pants and shoes (supplied by the employee) and the department issued uniform shirt (styles and colors of these shirts may vary based on availability from the supplier). Exceptions may be authorized by respective commanding officers for special permanent or short-term assignments. The clothing worn by all civilian uniformed members of the department will be neat and clean.
2. Non-uniformed sworn members of the department are

required to conceal police equipment they are wearing, e.g., weapons and handcuffs, when in public unless, of course, the equipment is in use.

3. On-duty officers not wearing the uniform shall carry on their person all of the equipment (both issued and non-issued) including their badges and identification cards, as may be required by their position and assignment.

III. CLOTHING AND EQUIPMENT DAMAGE OR LOSS CLAIMS

A. Department Issued Equipment:

1. If an item of department issued property is lost or damaged, the responsible employee will write a memorandum detailing the circumstances.
2. The report will be reviewed by the employee's immediate supervisor and verified as to accuracy.
3. The supervisor should add any findings that are relevant and forward the report to the Operations Division Commander.
4. The Operations Division Commander will then review the report and make a determination as to whether the property was lost or damaged due to the employee's negligence. If so, the employee will be required to replace the item, or reimburse the Department the value of the item at the time it was lost or damaged.

B. Employee Owned Clothing and Equipment Damage Claims:

1. If an item of personal property is lost or damaged, the responsible officer will write a memorandum detailing the circumstances.
2. The report will be reviewed by the officer's immediate supervisor and verified as to accuracy.
3. The supervisor should add any findings that are relevant and then forward the report through the chain of command to the appropriate division commander.
4. Items lost or damaged by reason other than the

employee's negligence will be repaired or replaced with the following exceptions:

- a. Damaged or lost jewelry, such as earrings, rings, bracelets, etc. will be the responsibility of the officer and no replacement by the department will be made.
- b. Work-related equipment, such as flashlights, brief cases, field glasses, etc. (not issued by the department) will remain the responsibility of the officer and no replacement by the department will be made.
- c. Watches will be repaired or replaced to a maximum of \$50.00.
- d. Corrective lenses will be repaired or replaced up to a reasonable amount. Eyeglasses with expensive designer frames, for example, will not be replaced for their full value.

5. All other replacement or repair of employee-owned clothing or equipment shall be the responsibility of the employee.
 - a. The purchase of uniforms/clothing shall be subject to the specifications for uniforms provided in Attachments 1 and 2 of this order, and to the provisions of the City of South Milwaukee/South Milwaukee Professional Police Association Agreement, or any other agreements applicable.

IV. INSPECTION

- A. It shall be the responsibility of the immediate supervisor to conduct frequent inspections for the purpose of ensuring compliance with the contents of this order. Those members who are required to take any type of action to remedy infractions of this order shall be allowed a reasonable length of time to conform.

V. EFFECTIVE DATE

The effective date of this order is July 23, 2018.

William R. Jessup
Chief of Police

Attachment: NEW RECRUIT UNIFORM

Shirts 2 long sleeve Navy blue -with name tape
 2 short sleeve Navy blue –with name tape
Trousers 2 pair—Navy Blue
 Can be 100% poly; or wool poly blend, regular trouser or BDU style

1 jacket—(3 season) with removable liner to also be summer weight

1 reversible rain jacket

1 reflective traffic vest

1 black or navy watch cap "Police", "South Milwaukee Police/PD" embroidered on it, and/or (optional) department badge patch sewn on

1 baseball cap
(optional) "Police", "South Milwaukee Police/PD" embroidered on it, and/or department badge patch sewn on

1 riot helmet

1 duty belt kit- nylon—black

1 handcuff case

1 pair handcuffs (Peerless or Smith & Wesson)

1 key holder flap

1 radio holder

1 magazine holder

1 holster

1 duty weapon w/ ammo and 3 magazines

1 OC spray

1 spray holder

Taser Holster

1 expandable baton- 26"

1 Baton holder

1 badge and ID

1 wall locker

Eye and ear protection for shooting
Eye Protection (drug testing and COVID)
CPR pocket mask
Trauma Plate Pack for Casualty Care



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-26

INDEX AS: Firearms
On-duty Weapons
Off-duty Weapons
Special Weapons
Ammunition

REPLACES: G.O. 16-08
EFFECTIVE: 02-16-2016

WILEAG: 1.7.1, 2.4.5, 5.1.2, 5.1.3, 5.3.1, 5.3.3, 12.1.1, 12.1.2, 12.1.3,

SUBJECT: Firearms Authorization

PURPOSE: The purpose of this General Order is to provide a single source of reference to all police officers of the Department, as to the authorization, discharge, carrying, and all other use, of firearms.

This order consists of the following numbered sections:

- I. AUTHORIZATIONS
- II. DEFINITIONS
- III. AUTHORIZED FIREARMS
- IV. MAINTENANCE
- V. USE OF FIREARMS
- VI. REPORTING REQUIREMENTS SUBSEQUENT TO DISCHARGE OF FIREARM
- VII. PSYCHOLOGICAL SERVICES PROVIDED

VIII. EFFECTIVE DATE

I. AUTHORIZATION

A. All law enforcement officers employed by the South Milwaukee Police Department are authorized to carry firearms in the State of Wisconsin. When on duty, officers shall carry the Department-issued firearm, fully loaded, with Department-issued ammunition,

[REDACTED]

All

officers shall be instructed on the current guidelines (Departmental Procedures & Policies, state laws, case laws) relating to the use of force necessary to effect lawful objectives, and the use of deadly force, before being authorized to carry a firearm.

B. Secondary or back-up firearms are prohibited.

C. At the officer's discretion, officers are authorized to carry department issued or privately owned firearms off-duty as police officers, under the provisions of law that authorize such carry for police officers. Officers should be aware of and abide by any laws or ordinances that may regulate when and where they can go armed as off-duty police officers.

1. Officers choosing to go armed as police officers while off-duty will be required to carry a department issued ID and Badge that identifies them as a police officer.
2. It is recommended that off-duty firearms be of a similar design and function as department issued firearms, but certain revolvers may be authorized. All off-duty firearms will be carried in an approved holster/manner that will keep the firearm secured during normal everyday activities like standing, sitting, bending, kneeling, running etc. Authorization for the use of non-department issued off-duty firearms, and off-duty holsters shall be obtained from the Chief of

Police or their designee. This permission will be obtained via an email request sent to the Chief and an email with a response granting or denying permission.

3. The officer carrying the off-duty firearm shall be subjected to the qualification requirements of Section V.D. of this order. The off-duty firearm shall be recorded with the Department listing make and model of the weapon. Any caliber weapon is acceptable for qualification requirements.
- D. Other legal authorizations may allow for officers to carry and go armed with firearms or other dangerous weapons as private citizens. The City of South Milwaukee Police Department does not wish to infringe upon anyone's rights or privileges as private citizens, nor does it wish to incur liability for actions taken by members for things they chose to do as private citizens. Officers choosing to lawfully go armed with other, non-approved firearms or weapons, as private citizens, should not carry their South Milwaukee Police identification, or identify themselves as South Milwaukee police officers at any time while doing so.
- E. The Chief of Police or their designee may allow or direct officers not to carry a firearm while on duty, when carrying a firearm would be unnecessary or inappropriate, [REDACTED]
[REDACTED]

II. DEFINITIONS

- A. Primary Weapon: The Department-issued handgun, which an officer is required to carry while on duty.
- B. Secondary Weapon: A handgun (either semi-automatic or revolver) that is carried by an officer as a back-up weapon, in addition to their primary weapon.
- C. Off-Duty Weapon: A handgun carried by an officer when not on duty and while the officer carrying this weapon is exercising their authority to carry a concealed weapon as an off-duty police officer.
- D. Other Weapon: A privately owned weapon carried concealed or in open carry by off-duty duty personnel exercising their

rights and privileges to lawfully carry these weapons as private citizens.

E. Special Weapon: All other weapons available for use by police officers that have not been mentioned in Section II-A, B, C. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

III. AUTHORIZED FIREARMS

A. [REDACTED]

B. Other firearms may be carried, with the approval of a command officer, when their use may be required, such as for special assignments or unusual circumstances.

C. Officers whose assignments require that they consume alcohol shall do so only with proper authorization from a supervisor, and shall not consume intoxicating beverages to the extent that it renders the officer unfit to perform their duty.

D. Off-duty officers are not required to carry firearms, but may do so at their discretion, in accordance with applicable laws. Off-duty officers are prohibited from carrying firearms when:

1. Their mental or physical capabilities have been impaired by the use of intoxicants, controlled substances, medication, or a combination thereof.
2. An officer anticipates having their mental or physical capabilities impaired by the use of intoxicants, controlled substances, medication or a combination thereof.

IV. MAINTENANCE

- A. Each officer will be responsible for the routine maintenance of the primary, secondary, and off-duty firearm(s), including cleanliness, proper operation, etc.
- B. Weapons should be inspected annually by an armorer.
- C. Holsters should be inspected annually by a firearms instructor.
- D. When an officer knows or suspects that their primary, secondary, or off-duty firearm is damaged, or not operating properly, that officer should immediately submit that weapon to their immediate supervisor for inspection. If necessary, a defective primary firearm will be forwarded to the Department armorer for inspection and repair. The officer will be issued a replacement for their primary firearm, when necessary. If the supervisor agrees that an off-duty firearm is damaged or not operating properly, the officer should be directed to have the firearm repaired by a qualified gunsmith, at the officer's expense. Following repair, the officer will have the weapon inspected by the armorer, prior to returning it to normal use.
- E. The Department shall be responsible for repair of all issued firearms (primary and special weapons) that are inoperable, or damaged through normal use or manufacturer defect.
- F. The officer shall be responsible for repair of any off-duty weapon that is inoperable or damaged, unless that off-duty weapon was rendered inoperable or damaged while the officer was using it as their primary weapon, in which case, the Department will be responsible for the necessary repair.
- G. No modifications, deletions, changes, or additions will be made to the Department-issued (primary) firearm, unless approved by the Rangemaster. No modifications, deletions, changes, or additions will be made to off-duty firearms, following a qualification/inspection/approval unless such changes are approved by the Rangemaster.
- H. Mechanically unsafe firearms shall not knowingly be carried

on or off duty.

V. USE OF FIREARMS

A. Officers are authorized to discharge their firearms in the performance of a police duty, only under the following circumstances:

1. At an approved range, for training.
2. The killing of an animal is justified for self-defense, to prevent substantial harm to the officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.
3. With a subject likely to cause great bodily harm or death, when other tactics have been exhausted or would be ineffective.
 - (a). This also includes the use of deadly force to effect the capture or prevent the escape of a suspect whose freedom is reasonably believed to represent an imminent threat of great bodily harm or death to the officer or other persons.

B. Discharge of Firearms

1. Officers are prohibited from discharging a weapon for the express purpose of destroying property.
2. Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.
3. A police officer is not justified in using their firearm to fire a warning shot unless the use of deadly force is justified, and that there is no chance striking a non-involved person.

C. Authorized Ammunition - Officers will use only Department-issued ammunition in their primary weapon. Off-duty weapons shall be loaded with factory-made ammunition, similar to that issued for primary weapons. Special weapons will be loaded with Department-issued ammunition.

(See Addendum A for ammunition specs.)

1. Primary Weapon

[REDACTED] [REDACTED]

2. Special Weapons

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

D. All officers will have firearms training four (4) times per year and shall qualify with primary, off duty and special weapons on an annual basis (with the exception of the 12 gauge less-than-lethal shotgun which will be trained on biennially in accordance with General Order TNG-1: Firearms Range & Training). Firearms qualification includes achieving a passing score (pass/fail) on a prescribed course of fire, attaining and demonstrating a knowledge of the laws concerning the use of firearms, and being familiar with and demonstrating recognized safe firearms handling procedures.

E. When Department firearms are not in use, such as when an officer is off duty, the firearms should be kept in a secure manner to prevent unauthorized use or accidental discharge of the firearm.

VI. REPORTING REQUIREMENTS SUBSEQUENT TO DISCHARGE OF FIREARM

The investigation and reporting requirements included in General Order ORG – 7: Use of Force and General Order ADM-27: Officer Involved Shooting shall be adhered to following the discharge of a firearm, whenever appropriate.

VII. PSYCHOLOGICAL SERVICES PROVIDED

A. In all cases, where any person has been injured or killed as a result of a firearm discharged by a Department police officer, the involved officer will be required to undergo a

debriefing with a Department-designated psychiatrist or psychologist. The purpose of this debriefing will be to allow the officer to express their feelings and to deal with the moral, ethical and/or psychological aftereffects of the incident. The debriefing shall not be related to any Departmental investigation of the incident and nothing discussed in the debriefing will be reported to the Department. The debriefing session will remain protected by the privileged physician/patient relationship.

B. In all cases, where any person has been injured or killed as a result of a firearm discharged by a Department police officer, the involved officer's family will have available to them, the services of the Department-appointed psychologist or psychiatrist, at Department expense. The purpose of this offer is to provide the officer's family a source of professional consultation to aid them in dealing with the potential moral and ethical aftereffects of the shooting incident. The psychological services shall not be related to any Departmental investigation of the incident. Nothing discussed will be divulged to the Department. The consultation sessions will remain protected by the privileged physician/patient relationship.

VIII. EFFECTIVE DATE

The effective date of this order is March 28, 2019

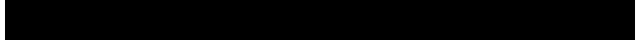
William Jessup
Chief of Police

ADDENDUM A: Ammunition Specs

Recommended and approved ammunition per the South Milwaukee Police Department Range Master:

Primary Weapon	a.	[REDACTED]
Special Weapons:	a.	[REDACTED]
	b.	[REDACTED]

c.





SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-31

INDEX AS: Restraining Devices
Search of Prisoners
Transportation of Prisoners
Transporting Officer
Transport Vehicle

REPLACES: G.O. 17-36
EFFECTIVE: 06-08-17

WILEAG: 6.1.6, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9

SUBJECT: Prisoner Transportation

PURPOSE: Transportation by the South Milwaukee Police Department of people who are in custody is virtually a daily occurrence. The purpose of this General Order is to ensure that when transporting prisoners; officer and prisoner safety is paramount. Prisoners shall, except under specified circumstances, be handcuffed and searched prior to transport. The prisoner should be transported in a van or caged squad whenever possible.

This order consists of the following numbered sections:

- I. SEARCH
- II. HANDCUFFING
- III. TRANSPORTATION
- IV. SPECIAL TRANSPORT SITUATIONS
- V. ESCAPE OF PRISONER
- VI. EFFECTIVE DATE

I. SEARCH

Prisoners shall be searched each time they come into the transporting officer's custody; as they are legally responsible for the

safety and custody of the prisoner being transported.

- A. The transporting officer will make their own search of the prisoner prior to transport, even though a search had been made earlier at the time of arrest.
- B. Officers may search pockets, purses, bags or any garments of a prisoner of the opposite or same sex.
- C. At the scene, use of the infield metal detector will be utilized if warranted.
- D. If available, an officer may summon to the scene, an officer of the same sex as the prisoner, to search a prisoner.
- E. All property will be taken from a prisoner for safekeeping/evidence prior to transport.
- F. The search and subsequent transport of the prisoner from the scene to the police department will be made as expeditiously as possible.
- G. Strip searches shall be conducted in accordance with General Order ORG - 6: Strip Searches.
- H. Prior to transport, non-arrested persons may be searched, but at the officer's discretion.

II HANDCUFFING

- A. Prisoners shall be handcuffed, double-locked when possible, behind the back, with the following exceptions:
 - 1. Arrestee is physically incapable of placing hands behind the back.
 - 2. When arresting a juvenile, elderly or handicapped subject, officers may take into consideration the age, physical size and seriousness of the offense to determine whether handcuffing and/or position of the handcuffs in front is appropriate.
 - 3. Sick or injured prisoners shall be handcuffed behind the back, unless illness or injury dictates otherwise.

4. Multiple prisoners may be handcuffed together if there is an insufficient supply of handcuffs at the scene.
 - a. Members of the opposite sex shall not be handcuffed together.
 - b. A juvenile shall not be handcuffed to an adult.
5. Waist restraints and/or leg cuffs and may be used for restraining mentally disturbed or violent prisoners who pose a threat to themselves or others, or prisoners who will be transported by vehicle for an extended period of time.
6. Prisoners shall not be handcuffed to any part of a vehicle.
7. Flex cuffs may be used by an officer when multiple arrests are anticipated.

B. When it is necessary to use the weight of several officers to control and handcuff a person in a prone position, officers should remove the weight and roll the person onto their side or into a sitting position as soon as possible.

III. TRANSPORTATION

- A. The transporting vehicle shall be examined, by the officer assigned to the vehicle, at the beginning of each shift to ensure that it can be safely operated and contains required equipment.
- B. Vehicles shall be examined for contraband and/or personal effects at the beginning of each shift, by the officer assigned the vehicle.
- C. Vehicles shall be searched for contraband and/or personal effects prior to and after a prisoner transport, by the officer assigned to the vehicle.
- D. The caged van shall be used for transport, if available.
 1. When the caged van is used, the prisoner shall be handcuffed and be seated in the secure partitioned

area of the van.

2. The light in the prisoner area of the van will be activated so that movements by the prisoner can be monitored through the screened safety window.
3. Conversation shall not be compromised by the partition separating the prisoner compartment from the driver's compartment of the vehicle.
4. Transporting officers will NOT ride in the prisoner compartment of the vehicle.

E. A caged squad shall be used for transport, if available.

1. When a caged squad is used, the prisoner shall be handcuffed and ride in the right rear seat.
2. Transporting officers will NOT ride in the caged portion of the vehicle.

F. Uncaged cars

1. If a lone officer is transporting a prisoner in an uncaged car, the prisoner shall be seated in the front passenger seat, secured by handcuffs, and a seat belt.
2. If two officers are transporting a prisoner in an uncaged car, the prisoner shall be handcuffed and seated in the right rear seat with one officer seated in the left rear seat. If possible, the officer shall place their weapon in a position so as to ensure that it is not exposed to the prisoner.

G. In vehicles so equipped, prisoners shall be secured with a seat belt unless the prisoner is resisting to such an extent that attempting to seat belt the prisoner would be unsafe to the officer or prisoner, or the prisoner is too big.

H. When transporting prisoners, the following procedure shall be used:

1. Upon departing, the officer shall radio the Communications Center, providing their beginning

mileage and the gender of the prisoner. The Communications Center will log this information into CAD.

2. Upon arrival, the officer shall radio the Communications Center, providing their ending mileage. The Communications Center will log this information into CAD.
 - I. Prisoners shall not be transported in a prone position.
 - J. If a prisoner is sick or injured, the officer shall seek medical attention for the prisoner immediately. The officer shall notify the supervisor as soon as possible of the circumstances.
 1. When injury to a prisoner is claimed or apparent at the scene, officers will convey the prisoner to the hospital either by squad or ambulance depending upon the severity of the claimed or apparent injury.
 2. If a prisoner brought to the station claims to be sick or injured, officers will summon the SMFD to the police department to make an assessment of the prisoner.
 3. If an ambulance is used to transport the prisoner to a hospital, the officer shall accompany the prisoner in the ambulance or follow immediately behind the ambulance while enroute to the medical facility.
 4. Prisoners who are taken for immediate treatment shall be closely monitored.
 5. If a prisoner is to be admitted/confined to a medical facility:
 - a. The supervisor on duty shall be immediately notified so that arrangements can be made to provide a guard for the prisoner, if one is necessary.
 - b. The officer shall fill out the hospital form requesting a hold on the prisoner and to summon police prior to the prisoner's/patient's release.

- c. When released from treatment, the medical clearance/treatment paperwork will be transported with the prisoner. Before transport the prisoner shall be searched and restrained.
- K. As appropriate, an ambulance or uncaged car may be used to transport handicapped persons.
- L. When transporting mentally disturbed prisoners, proper restraining devices and a private ambulance may be used. Waist restraints and leg cuffs shall be available for mentally disturbed prisoners who pose a threat to themselves or others. The assigned squad will follow directly behind the transporting ambulance, unless a request is made to ride in the ambulance itself. Supervisors may authorize the use of a squad for transport of mentally disturbed prisoners on a case by case basis.
- M. Juveniles shall not be transported in the same vehicle as an adult who has been arrested for a crime.
- N. The transporting officer shall keep prisoners in sight at all times with the following exceptions:
 - 1. In a medical facility where a physician is performing surgery or examining a prisoner. Hospital security will be notified when a prisoner is brought in for treatment.
 - 2. In toilet facilities, wherein an officer and prisoner are of the opposite sex. Under these circumstances, officers shall position themselves so as to prevent escape.
- O. During long-distance transport of a prisoner, such as an extradition, the selection of the place where a meal is to be taken should be done randomly.
- P. A transporting officer shall respond to a need for law enforcement only when the risk to a third party is both clear and grave, and the risk to prisoner is minimal.
- Q. Prisoners shall not be allowed to communicate with an attorney, family, or friends during transport.

- R. Squad cars shall be modified to minimize the opportunities for prisoners to exit from the rear compartment without the aid of the transporting officer.
- S. Male and female prisoners shall be transported in separate vehicles.

IV. SPECIAL TRANSPORT SITUATIONS

- A. Proper documentation, which shall positively identify the prisoner, shall accompany a prisoner transported to the Milwaukee County Jail or any other holding facility. This includes:
 1. One set of fingerprints, when applicable.
 2. The prisoner's property and property sheet.
 3. Medical release papers, when applicable.
 4. Safekeeper paperwork, when applicable.
 5. Commitment papers, when applicable.
- B. Any relative personal traits of the prisoner, such as escape risk or suicidal tendencies, shall be documented and shall be forwarded to jail personnel.
- C. The jail shall be notified if the prisoner is considered to be a security hazard so that proper measures can be taken during court proceedings.
- D. Prisoner(s) shall not be allowed to visit hospitals or critically ill persons, attend a funeral or reading of a will.
- E. Upon departure from the South Milwaukee Police Department and arrival at the holding facility, the transporting officer shall notify the Communications Center, and a CAD event will be prepared accordingly. Beginning and ending odometer reading shall also be given, and recorded by the telecommunicator.

F. Upon arrival at the Milwaukee County Jail officers shall:

1. Notify the Communications Center of their arrival for documentation.
2. Secure firearms for safekeeping (either in a weapons locker or in the trunk of the squad if no lockers are available).
3. Remove restraining devices from the prisoner just prior to turning custody over to the Milwaukee County Jail.
4. Deliver required documentation to the receiving officer.

5. Obtain body receipt or signature of receiving officer, if applicable.
6. Advise jail personnel of any potential medical or security hazards.
7. Follow any other requirements by the receiving authority as it directly pertains to the prisoner.

V. ESCAPE OF A PRISONER

- A. The transporting officer shall immediately notify the Communications Center and the shift supervisor.
- B. The jurisdiction where the escape occurred shall be notified immediately, via dispatch or direct radio contact.
- C. Physical and clothing descriptions, identifiers, location of escape, direction of travel, and offenses for which the escapee was incarcerated shall be dispatched via radio and/or TTY.
- D. If there are prisoners remaining in the transport vehicle after the escape, it shall be the responsibility of the transporting officer(s) to secure the prisoners in the transport vehicle until back-up units arrive on the scene.

E. The transporting officer(s) shall prepare police reports, detailing the escape and any related offenses. The incident will be thoroughly documented.

VI. EFFECTIVE DATE

The effective date of this order is April 17, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-24

INDEX AS: Department Vehicles
Vehicle Use and Care
Damage to Vehicles
Vehicle Inspections
Vehicle Equipment

REPLACES: G.O. 16-20
EFFECTIVE: 03-11-2016

WILEAG: 7.1.2

SUBJECT: Use and Maintenance of Department Vehicles and Equipment.

PURPOSE: The purpose of this General Order is to establish procedures for the use and care of department vehicles and equipment.

This order consists of the following numbered sections:

- I. AUTHORIZATION
- II. DEPARTMENT VEHICLES
- III. VEHICLE INSPECTIONS
- IV. MAINTENANCE OF VEHICLES
- V. VEHICLE EQUIPMENT
- VI. EFFECTIVE DATE

I. AUTHORIZATION

- A. All members of the South Milwaukee Police Department are authorized to use department vehicles during their tours of duty. Department vehicles will also be used by officers outside of their regular duty hours, for such purposes as court appearance, training schools, etc. Officers will notify the working shift commander of their need for the use of a

department vehicle. The shift commander will then issue a department vehicle.

- B. Auxiliary officers may be allowed to use department vehicles at the discretion of the shift commander.

II. DEPARTMENT VEHICLE

- A. All emergency patrol vehicles shall be conspicuously marked with the following:

1. The department name
2. Red and blue emergency lights
3. Reflective striping
4. The emergency phone number 911
5. The vehicle number

- B. Vehicle Use and Cleanliness - New vehicles placed in service may have new features and modifications as part of product improvement. Such changes in operating instructions pertaining to the specific vehicle will be contained in the factory published operator's manual which accompanies each vehicle upon delivery and which remains in the glove compartment of the vehicle. Officers are responsible for the proper operation and maintenance of their assigned vehicle. Officers will familiarize themselves with the details of the factory published manual.

1. When officers are given their daily squad and area assignments, said officers will visually inspect their assigned patrol unit both inside and outside. If the interior cleanliness of the vehicle is not acceptable, the shift supervisor should be notified, as soon as possible. It should then be the responsibility of the shift supervisor to advise the supervisor of the officer who was last assigned to said vehicle, of the unacceptable condition of the vehicle. The exterior of the vehicle shall also be examined by the assigned officer. If any new damage is found the shift supervisor shall be immediately notified and the damage shall be photographed and noted in the squad check event. The shift supervisor, when

possible, shall inspect all assigned vehicles at the end of the shift.

2. Tire Pressure - All department vehicles will be maintained at manufacturer's specifications in front and rear tires.
3. Transmissions - The operation of all vehicles of the department equipped with automatic transmissions will be as detailed in the factory operator's manual. The following uses of the automatic transmission are prohibited and will be considered negligent abuse of the vehicle:
 - a. Use of low range for purpose of acceleration.
 - b. Shifting of vehicles in motion during the process of making a stop, or reversing direction of the vehicle.
4. Pushing and Towing - Department vehicles, if equipped with a push bar, can be used to push disabled vehicles in an emergency situation. (A request to tow any vehicle by a department vehicle will be refused; and a licensed private towing service operator will be summoned to the requester, if desired.)
5. Jumper cables - May not be used on any department vehicles to start other department vehicles or other emergency vehicles. Department vehicles may only be jump started by mechanics from the South Milwaukee City Garage. Department vehicles may not be used to jump-start private vehicles.

C. Damage to vehicles - Any officer involved in an incident which results in damage to a department vehicle will request the shift supervisor respond to the incident scene, regardless of how minor such damage is.

1. It is the officer's responsibility to file a written report for all incidents involving damage to a department vehicle. The supervisor will investigate the incident in order to verify the damage, and the accuracy of the

report, etc. Such report will be forwarded to the Operations Commander for review, with a copy forwarded to the Fleet Maintenance Officer.

2. Officers accepting a vehicle which has been damaged and unreported, accept responsibility for reporting such damage.

3. Procedures outlined in General Order TFC – 5: Accident Investigation section II.C.2 shall be followed. This complies with the City of South Milwaukee Policy 07-01: Fleet Safety.

D. Vehicle Care - The officer going off duty is responsible for refueling, as time allows. If the vehicle is in need of oil or other fluids, the vehicle will then be taken to the garage by said officer for a mechanic to correct. If such need should arise during nonworking hours of the city mechanic, the officer will purchase the needed fluids with the department credit card. The officer is then allowed to perform the simple maintenance needed. It will be the responsibility of the officer going off duty to clean any debris in the squad which may have accumulated during the tour of duty.

III. VEHICLE INSPECTIONS

All department vehicles will be inspected twice yearly by the Fleet Maintenance Officer or, in their absence, an assigned designee. The vehicle inspection report will be completed by the Fleet Maintenance Officer or their designee. All vehicle inspection reports will be kept on file for each department vehicle.

IV. MAINTENANCE OF VEHICLES

A. All requests for maintenance on department vehicles shall be noted on the dry erase board in the assembly room and on the “squad/equipment service/repair” form.

B. If there is a maintenance problem with a department vehicle the vehicle should be taken out of service.

C. When a disabled vehicle has been repaired and has returned to the tour of duty, the squad chart will be cleaned by the shift supervisor or the Fleet Maintenance Officer.

D. All department vehicles are to be routinely serviced at the city garage for preventive maintenance purposes. If problems exist which are covered by manufacturer's warranty, said vehicle is to be taken to an authorized dealer for repair.

V. VEHICLE EQUIPMENT

A. Located in the trunk or interior of marked patrol vehicles will be the following items:

A series of 10 horizontal black bars of increasing length, followed by a short black bar. The bars are arranged vertically, with the first bar being the shortest and the 10th bar being the longest. The 11th bar is a short black bar located below the 10th bar.

B. First Aid Trauma and Communicable Disease Kit

1. A standard first responder kit, equipped with necessary items to aid any accident victim, is located in the squad [REDACTED]
2. A communicable disease kit consisting of a protective mask, goggles and latex gloves are located in the squad [REDACTED]

VI. EFFECTIVE DATE

The effective date of this order is March 28, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-42

INDEX AS: Municipal Lockup
Intake Procedure

REPLACES: G.O. 17-30
EFFECTIVE: 12-08-17

WILEAG: 5.1.1, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9,
7.3.10, 7.3.11, 7.3.12, 7.3.13, 7.3.14, 7.3.15, 7.3.16, 7.3.17, 7.3.18,
7.3.19, 7.3.20, 7.3.21, 10.1.1

SUBJECT: Municipal Lockup Facility

PURPOSE: The purpose of this General Order is to establish procedures to be followed by department personnel for prisoner detention, inspection and the use of the lockup facility.

This order consists of the following numbered sections:

- I. LOCKUP POLICY OVERVIEW
- II. LOCKUP FACILITY
- III. LOCKUP MANAGEMENT
- IV. OPERATIONAL GUIDELINES
- V. PRISONER RULES AND REGULATIONS
- VI. AUDIO/VIDEO SURVEILLANCE
- VII. SUPERVISION
- VIII. INTAKE PROCEDURE
- IX. SPECIAL DETENTION PROCEDURES
- X. MEDICAL SERVICES
- XI. PHARMACEUTICALS
- XII. MEALS
- XIII. VISITORS
- XIV. LEGAL RIGHTS OF ACCUSED WHILE IN CUSTODY
- XV. USE OF FORCE
- XVI. EXTRAORDINARY OR UNUSUAL CIRCUMSTANCES
- XVII. ESCAPE
- XVIII. MASS ARREST
- XIX. PRISONER RELEASE/TRANSFER
- XX. PRISONER RECORDS
- XXI. DETENTION OF OUTSIDE AGENCY PRISONERS

XXII. KEYS
XXIII. INSPECTIONS AND FIRE TESTS
XXIV. EFFECTIVE DATE

I. LOCKUP POLICY OVERVIEW

Arrestees of the South Milwaukee Police Department shall be managed in a fashion which protects their constitutional rights and which provides for the safety and security of department personnel and the arrestee. Department procedures shall comply with rules established by Wisconsin State Statutes and/or the Wisconsin Department of Corrections.

II. LOCKUP FACILITY

- A. The lockup is a security facility, operated by the Police Department, for the temporary detention of prisoners held for investigation pending disposition of their case(s) by the judiciary, or awaiting transfer to another institution.
- B. The maximum period of detention in the lockup shall not normally exceed the next business day.
- C. Males and females shall be completely segregated so that physical, visual, and auditory contact between the sexes is prevented.
- D. No more than one person shall be kept in a cell, unless an emergency situation, such as a mass arrest, arises. This does not apply to the holding cell, which has the capability of holding a number of subjects of the same sex for processing.

III. LOCKUP MANAGEMENT

- A. The Administration and Services Commander shall be responsible for the overall operation and maintenance of the lockup facility. These responsibilities shall include:
 - 1. Management, care, and feeding of prisoners
 - 2. Maintenance and inspection of the facility
 - 3. Facility safety and security
 - 4. Training of personnel

5. Compliance with Wisconsin State Statutes/Wisconsin Department of Corrections concerning the:
 - a. Physical plant of the lockup
 - b. Security measures of the lockup
 - c. Fire Safety
 - d. Sanitation and hygiene of the lockup and the prisoners
 - e. Discipline of inmates
 - f. Records and reporting
 - g. Health care
- B. Shift commanders/supervisors shall assist in the management of the lockup facility by overseeing its use during their respective shifts.
- C. All personnel who have direct contact with prisoners shall be properly trained. Training for persons having responsibility for the supervision of prisoners shall include, at a minimum, procedures for:
 1. Handling medical emergencies
 2. Supervising prisoners
 3. Applying physical restraint methods
 4. Liability issues
 5. Emergency procedures in the event of fire
 6. Security procedures
 7. Familiarization with department policies for the proper use of the lockup facilities.
 8. Orientation on the operation of the lockup facility for non-police personnel.

9. Suicide prevention (screening of inmates via the inmate questionnaire) and officer observations of inmate behavior and demeanor. (See also Ch. 51 – Emergency Detention policy)

IV. OPERATIONAL GUIDELINES

- A. Under no circumstances, except as directed by a supervisor under emergency circumstances, shall anyone be allowed to transport any firearm beyond the entrance to the lockup/booking area. Firearms will be secured in gun lockers located in the police garage or in the interior hallway next to the sally port door(s).
- B. All prisoners shall be thoroughly searched to prevent the entry of weapons or contraband. All personal property taken from the individual shall be inventoried on the Municipal Lockup Record and stored in the corresponding cell locker.
- C. Only sworn officers or persons accompanied by a sworn officer shall enter an occupied cell. No officer shall enter an occupied cell without the presence of another officer unless they are being audio/video monitored by the Communications Center. Entry to an occupied cell shall be only to remove a prisoner or to respond to a medical emergency.
- D. Department personnel authorized to enter a lockup cell shall notify the Communications Center prior to such entry in order to ensure proper monitoring of the activity, and personnel safety.
- E. Physical restraints shall not be placed upon a prisoner to confine their movements within a cell or to an immovable object in the processing area other than for the specific purpose of preventing a prisoner from injuring themselves or others or from damaging or destroying property.
- F. Nonessential persons shall not be granted access to lockup facilities while prisoners are present.
- G. Doors to the lockup cells shall remain locked except when prisoners are entering or exiting cells. Doors to unoccupied cells shall remain locked when not in use.

- H. Cells shall be examined for the presence of unauthorized objects prior to the cell being used and after it is vacated.
- I. All security doors leading to the sally port area of the lockup will remain closed and locked at all times. The metal security door connecting the cell block to the sally port may remain open.
- J. The prisoner/red light switch will be activated upon detaining a prisoner in the lockup.
- K. Persons detained have a right to expect to be taken to the appropriate court at the earliest suitable time.
- L. Arrestees held for questioning in an interview or interrogation room, shall be under the continuous supervision of police personnel. These rooms shall not be used as a detention facility or for processing of detainees.
- M. Department personnel shall not accept mail or property (Ex.: cigarettes, personal belongings, etc.) for persons being detained.
- N. If cell damage is noted, when locking up or releasing a prisoner, the supervisor shall be notified immediately to document the damage and to take any further action required.
- O. If repairs are to be made to an area of the lockup, the prisoner shall be placed in another cell separate from the affected area, and out of contact from the workers. Lockup cells and the processing area shall be searched by the shift supervisor immediately upon termination of work by repairmen.

V. PRISONER RULES AND REGULATIONS

Personal items shall not be allowed in cells. This would include, but is not limited to: nonessential clothing, smoking material, money, jewelry, etc.

VI. AUDIO/VIDEO SURVEILLANCE

- A. Communications Center personnel are responsible for monitoring the audio/video and emergency communications

systems established between the lockup facility and the Communications Center. This responsibility shall include:

1. Monitoring physical interaction between prisoners and police personnel.
2. Monitoring prisoners who may request or appear to be in need of emergency assistance.
3. Alerting an officer if they observe a prisoner acting in a suspicious, violent or destructive manner while in the lockup.
4. Monitoring fire detection devices.

B. Audio/video surveillance shall not be used to invade the personal privacy of arrestees or visitors anywhere within the South Milwaukee Police Department.

C. Should an incident occur within the lockup cells that results in the need for video footage to be from the cells maintained (a prisoner damages a cell, becomes ill or injured, there is a physical altercation within the cell, or other unusual occurrence) a supervisor shall be immediately notified and ensure that the video is downloaded and burned to a disc. The responsible officer will then log the disc into evidence in accordance with department policy and procedures.

VII. SUPERVISION

A. The shift commander/supervisor shall be advised immediately of any person detained in the lockup facility.

B. At the start of each shift, the supervisor shall inspect the lockup cells to assess the status of any prisoners who are present. The assessment shall include, but not be limited to:

1. The number of prisoners detained
2. Meals
3. Phone calls
4. Medication

5. The posting of bond
- C. It shall be the responsibility of the shift commander or their designee to conduct a visual check of each person at least once every **forty-five** minutes. A written record of the check shall be made on the Municipal Lockup Record.
 1. Prisoner checks will be **staggered** to prevent prisoner anticipation of the check.
 2. Violent/mentally unstable prisoners require more frequent observation than every **forty-five** minutes; thus, the visual cell check will be adjusted to every **fifteen** minutes.
- D. Supervision of prisoners shall be conducted by persons of the same sex, when possible.
- E. At the end of their shift, the shift commander/supervisor shall communicate to their replacement the status of all prisoners and any pertinent or special data related to the prisoners.
- F. The lockup shall be maintained at all times in a clean, sanitary, and safe condition. The shift commander/supervisor shall be responsible for the cleanliness of the lockup, and preventative measures shall be taken by the building custodian to ensure that the lockup remains that way.

VIII. INTAKE PROCEDURES

- A. The arresting officer or other officers designated by the shift commander/supervisor shall be responsible for the prisoner(s) until such time as all preliminary processing procedures are completed. This includes, but is not necessarily limited to:
 1. Obtaining and recording basic information prior to admission to the lockup and before transfer to another facility. The information shall include:
 - a. Current health of the prisoner; any allergies to medications.
 - b. Medications taken by the prisoner.

- c. Behavior, including state of consciousness and mental status to include any suicidal thoughts or past attempts.
 - d. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, other comments.
 - e. Other information required on the Municipal Lockup Record (i.e.: arrest/charges/reason for confinement).
- 2. Taking photographs, fingerprints, and completing related forms, when applicable.
- 3. Checking to determine if the person is wanted by other agencies.
- 4. Searching the prisoner and lockup area for weapons or contraband.
- 5. Inventory and storing the prisoner's property.
- 6. Inventory and storing evidence or related property.
- 7. Arranging for the setting of bail (if necessary).
- 8. Informing the shift commander of the prisoner's incarceration

B. In the event the prisoner provides intake information which suggests the prisoner requires special attention, the shift commander/supervisor shall be advised immediately of the information. The shift commander shall determine what steps to take to provide adequate care for the prisoner.

C. A frisk search shall be conducted of each prisoner prior to their being placed into a lockup cell. Use of the station metal detector may also be utilized.

D. Strip searches shall only be conducted in accordance with General Order ORG – 6: Strip Search.

E. All personal property shall be removed from the prisoner and

inventoried on the Municipal Lockup Record. Removable jewelry items and clothing items which could be used to damage a cell or inflict personal harm, shall be removed (Ex.: belts, shoes, laces, etc.). Any personal items required for evidence shall also be inventoried in the property control log.

- F. The Municipal Lockup Record shall be completed by the officer who collects the property. The form shall be signed by both the officer and the prisoner. If the prisoner refuses or is unable to sign the form, the officer shall make an entry on the prisoner signature line, stating "refused" or "unable to sign". Both the booking officer and a witnessing officer will sign the lockup record if the signature is refused.
- G. The property of each prisoner shall be sealed in an evidence bag. Small items (earrings or other jewelry) should be placed into a small envelope within the bag. The property shall then be stored in a storage locker located in the sally port area. A notation with the locker number will be made on the Municipal Lockup Record.
- H. Upon securing the arrestee, the intake officer shall take the Municipal Lockup Record and deposit said record in the corresponding cell slot located in the sally port area of the lockup.
- I. Completed Municipal Lockup Records will be routed to the Administration and Services Commander or their designee.

IX. SPECIAL DETENTION PROCEDURES

- A. Violent or Mentally Impaired Prisoners
 - 1. Prisoners who are under the influence of alcohol, drugs, or who are violent, self-destructive, or mentally impaired, under severe alcohol or drug withdrawal or have suicidal tendencies shall be incarcerated only with the approval of the shift commander/supervisor. These persons shall be segregated from other prisoners. When these types of inmates are placed in the lock up they shall be physically inspected at least once every 15 minutes. Each inspection shall be recorded on the lock up record with the time of the inmate visual check and the initials of the staff member

conducting the inspection.

2. Incapacitated persons should generally be transported, as soon as possible, to the nearest medical or detoxification center.
3. In instances of severely violent, mentally impaired, suicidal or apparently self-destructive persons, the arresting officer shall transport said prisoner to the Milwaukee County Mental Health Complex for observation under Chapter 51 in accordance with ORG 16- Emergency Detention
4. In instances where a person is transported to a medical or mental health facility:
 - a. If the person is charged with a minor offense, the arresting officer shall arrange for a personal recognizance bond for the subject.
 - b. If a person is charged with a serious offense, a police guard shall be posted or a “police hold” placed on the individual.

B. Female Prisoners

1. Female prisoners shall be housed separately from male prisoners.
2. Searches of female prisoners shall be conducted in accordance with G.O. ORG – 10: Search of Prisoners.
3. Strip searches shall be conducted in accordance with General Order ORG – 6: Strip Searches.
4. When time/manpower levels permit, female prisoners will:
 - a. Be transported to the Milwaukee County Jail for safekeeping.
 - b. Be booked and released on a personal recognizance bond.

C. Juveniles to Be Held In Secure Custody

1. All provisions of the lockup policy remain in effect for the purpose of holding juveniles in a municipal lockup or cell as defined in Wisconsin Department of Corrections 349.03(2) and 349.03(12) pursuant to Wisconsin State Statute 938.209(2m).
2. A juvenile, age 10 or older, alleged to have committed a delinquent act as defined in Wisconsin Department of Corrections 349.03(4m) and 349.03(10m), may be held in the lockup/cells pursuant to the following conditions:
 - a. Officers shall notify the supervisor when they are transporting an arrested person to the station. The lockup administrator shall ensure against sight and sound contact between juveniles and adult inmates in all areas of the lockup facility including entrances, booking, intake, cells and holding rooms.
 - b. In order to assure for sight and sound separation between juveniles and adults in the lockup area, supervisors must assure that if an adult is secured in the cell block (cells 1-4) then juveniles shall be held in cell #5. When there are no adults being held in the cell block area, and in cases where multiple juveniles need to be held in secure custody, any of the cells may be used.
3. Physical checks of the juvenile shall be conducted at least once every **20 minutes** at irregular intervals and recorded on the booking sheet. **Officers should recognize that this may be the juvenile's first exposure to secured detention and that the responses to the type of environment may be atypical.**
 - a. Physical checks of juveniles determined to be at risk showing mental illness, developmentally disabled, showing suicidal tendencies or suspected to be under the influence of alcohol

or drugs shall be **checked no less than every 15 minutes** at irregular intervals. However, more frequent checks are encouraged.

- b. The juvenile shall not be held longer than six (6) hours in secured custody status. The arresting officer, unless under the direction of a supervisor, shall make efforts as soon as practical to identify alternative placement of the juvenile held in secure custody, including: release to a parent, adult guardian, adult relative, or Milwaukee County Children's Court Detention Intake Center.
- c. Jail booking sheets and health intake screening sheets for juveniles held in the municipal lockup shall be maintained in a confidential manner and kept separate from adult jail records. Separation means in a different folder than adult inmate records. However, the records may be kept in the same filing cabinet, preferably in different drawers.

D. Handicapped Prisoners

1. If the handicap is minor in nature or does not pose an immediate threat to the safety of the prisoner or others, the prisoner shall be treated as any other prisoner.
2. If the condition is deemed serious in nature, the Milwaukee County District Attorney's office shall be contacted for an opinion regarding action to be taken.

E. Prisoners with Communicable Diseases

1. In compliance with General Order ORG -19 and the City of South Milwaukee Blood Bourne Pathogens Exposure Control Plan, universal precautions will be observed at all times.
2. Prisoners of high-risk groups, including intravenous drug users, prostitutes and others, should be treated with caution. Where violence or an altercation is likely, protective disposable gloves should be worn. Extreme caution should be used during the search of

suspected drug users or dealers to prevent accidental skin punctures by needles.

3. Prisoners with communicable diseases, or prisoners claiming or suspected of having a communicable disease, shall be isolated from other prisoners. Lockup cells shall be disinfected prior to being reassigned to another prisoner. A red sheet of paper will be placed in the corresponding cell slot to identify the cell that needs to be disinfected prior to its reuse.
4. Department personnel shall inform other support personnel (Ex.: paramedics, county lockup staff,
5. If an officer has an open wound the area shall be covered to prevent contamination.

X. MEDICAL SERVICES

- A. The South Milwaukee Fire Department shall be requested immediately for any prisoner who is visibly ill and/or injured, or if they complain of illness and/or injury.
 1. A first aid kit will be located in the booking room. A documented weekly inspection will be made to insure that it is properly stocked.
- B. After notification of the South Milwaukee Fire Department, the shift commander/supervisor shall be notified of the situation.
- C. The South Milwaukee Fire Department will be responsible for transporting prisoners to the hospital. Conveyance, unless otherwise noted on the Municipal Lockup Record, will be made to St. Luke's South Shore Hospital.
 1. Hospital security will be notified concerning the prisoner conveyance to the hospital.
- D. Any seriously injured, seriously ill, or unconscious person must not be admitted to the lockup until a medical release from a hospital/examining physician has been obtained.
 1. A physician shall have the authority to order a detainee's removal to a hospital.

2. A written record of all ambulance, paramedics, physician visits, examinations, and treatment at a hospital, shall be maintained on the Municipal Lockup Record form.
3. Medication administered to prisoners shall be recorded on the Municipal Lockup Record form (See Section XI,A).

XI. PHARMACEUTICALS

- A. Medication shall generally not be administered to persons in custody. In rare circumstances where there is a need for medication to be administered (a serious health condition requiring regular dosages of medication) the following guidelines shall be followed: **No** medication shall be administered to anyone in custody unless the medication is carried in a properly-labeled prescription container and the identity of the prisoner matches the label on the bottle. An attempt should be made, when possible, to verify the authenticity of the prescription with the issuing physician or pharmacist. The shift commander/supervisor must approve the administration of the drug. No over the counter medications will be administered.
- B. All medications belonging to arrestees shall be kept with their respective personal property sealed in a property bag and placed in a property locker located outside the booking room. A record will be kept on the Municipal Lockup Record of the date, time, dosage administered, and by whom administered.

XII. MEALS

- A. All prisoners shall be furnished meals at reasonable and proper intervals. (Ex.: adhering to recognized schedules--breakfast/0800 hours; lunch/1300 hours; dinner/1800 hours)
- B. All meals shall be obtained from a fast food restaurant located in the City of South Milwaukee. Money from the "petty cash" fund shall be used to purchase prisoner's meals. The employee picking up the meal must obtain a receipt for the meal and this receipt shall be placed into the "petty cash" fund to explain the expense.

- C. Prisoners shall be served meals in their cells and shall not be issued any sort of eating utensils.
- D. A record of all meals served the prisoner shall be maintained on the Municipal Lockup Record. This would include what type of meal was served.
- E. Prisoners that refuse meals will be documented on the Municipal Lockup Record. A meal will be provided if the prisoner changes their mind at a later time, if time and staffing allow.

XIII. VISITORS

- A. No visitation shall be allowed during processing of prisoners.
- B. Prisoners having visitors shall be removed from their cells and placed in the prisoner conference room located east of the booking area. No visitors shall be allowed in the prisoner lockup area.
 - 1. Visitation will take place during regular business hours.
 - 2. Visitation will be allowed only when sufficient manpower is on duty.
- C. The detainee shall be searched before and after each visit.
- D. Visitations should be limited to attorneys and immediate family.
- E. Visitors, prior to the visitation, shall be subject to a search of their person and shall not be allowed to take packages into the conference area.
- F. A record of each visitor's name, address and relationship to the prisoner shall be maintained on the Municipal Lockup Record. Positive identification shall be obtained from all visitors.
- G. Supervisors shall have the responsibility and control over all

visitations. With the exception of a prisoner's private consultation with an attorney, a police officer shall be present and supervise the visitation. Supervision shall be reasonable and discreet.

XIV. LEGAL RIGHTS OF ACCUSED WHILE IN CUSTODY

A. Treatment While in Custody:

1. On being taken into custody, every person shall have the right to remain silent.
2. No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person in custody.
3. Persons in custody shall be treated humanely and provided with proper food, shelter, and if required, medical treatment.
4. No effort shall be made by any employee to impede the efforts of a prisoner to make bail.
5. Persons detained have a right to be taken to court at the earliest appropriate time.

B. Right to Communicate with an Attorney, Family, Friends:

1. Persons who are arrested shall have the right to communicate with an attorney of their choice and/or family, or friends, by making a reasonable number of telephone calls. Such communication shall be permitted within a reasonable amount of time after their arrival at the South Milwaukee Police Department.
2. In the event the accused is transferred to a new place of custody, their right to communicate with an attorney and member of their family or friend is renewed.

C. Right to Consult with Attorney:

Any person committed, imprisoned or restrained of their liberty for any cause whatever, and whether or not such person is charged with an offense, shall, except in cases of imminent danger of escape, be allowed to consult with any

licensed attorney at law.

1. Every effort will be made to ensure privacy between attorneys and their clients.
2. Prior to an on-scene consultation with a client, the attorney will be searched and will enter their name on the Municipal Lockup Record.

XV. USE OF FORCE

- A. Officers may use physical force against an inmate only if force is necessary to change the location of an inmate or to prevent death or bodily injury to oneself or another, unlawful damage to property, or the escape of an inmate from the lockup facility. Officers may use only the amount of force reasonably necessary to achieve the objectives for which force is used. Corporal punishment of inmates is forbidden.
- B. Prior to the conclusion of their shift, any officer who has used force to control an inmate or inmates shall submit a written report to the shift commander, describing the incident. This report will go through the chain of command to the Administration and Services Commander. The report shall include all known facts.

XVI. EXTRAORDINARY OR UNUSUAL OCCURRENCES

- A. All extraordinary or unusual occurrences which involve or endanger the life or physical welfare of department personnel or prisoners shall be reported to the Administration and Services Commander or their designee.
- B. Extraordinary or unusual occurrences shall mean:
 1. Death
 2. Attempted suicide (if hospitalization or medical treatment is required)
 3. Serious injury, to include accidental or self-inflicted
 4. Escape
 5. Attempted escape

6. Fire
7. Riot
8. Serious battery on an officer by a prisoner
9. Serious battery on a prisoner by an officer
10. Occurrences of serious infection, disease, or illness within the facility

C. In the event of fire or any other emergency in which a prisoner must be removed from the cell, there are two fire exits from the lockup area: [REDACTED]
[REDACTED] A fire evacuation route shall be posted in the processing area.

D. When prisoners must be removed from the lockup area under emergency conditions, it shall be the responsibility of the shift commander/supervisor to see that the prisoners are immediately removed from their cells and secured by handcuffs. Prisoners shall then be moved to a neighboring department's facility under our mutual aid agreement with these communities. Once the emergency is over, prisoners should then be returned to their cells, if possible. In the event of an extended delay in returning prisoners to their cells, the shift commander should arrange for their transport to the Milwaukee County Jail.

E. Proper written reports will document each extraordinary or unusual occurrence.

F. The Administration and Service Commander shall notify the Department of Corrections Regional Detention Facility Specialist within 48 hours after any of the following events occur (ref: Administrative Code 349.16-20).

1. An inmate dies or attempts suicide and is hospitalized.
2. An inmate has received an injury and is hospitalized due to that injury.

3. An inmate escapes or attempts to escape from confinement.
4. There is significant damage to the lockup.
 - a. Information requested by the division shall be promptly furnished by the Administration and Services Commander.

XVII. ESCAPE

In the event of an escape from custody by a prisoner held in the lockup, personnel shall take immediate steps to return the escapee to custody. The following steps shall be taken:

- A. Personnel discovering the escape shall notify the Communications Center and the shift commander.
- B. Determine if anyone was injured during the escape and obtain medical assistance, if necessary.
- C. Determine the number of escapees and whether there is a risk of additional prisoners escaping custody. Additional personnel shall be used to secure the facility, if necessary.
- D. Descriptions, identifiers, and offenses for which the escapee was incarcerated shall be relayed via the police radio and/or TTY.
- E. Personnel shall check to see that all security doors and cell doors are functioning properly and all remaining prisoners are secured in their cells. The shift commander shall ensure that steps are taken to repair any malfunctioning doors or other equipment, as soon as practical.
- F. The shift commander/supervisor shall initiate an investigation into the circumstances surrounding the escape and prepare a "matter of" to the Administration and Services Commander.

XVIII. MASS ARREST

In the event there are more prisoners than can be properly housed in the lockup, the shift commander/supervisor shall obtain the necessary personnel to transport extra prisoners as soon as

possible to the Milwaukee County Jail or other holding facility.

XIX. PRISONER RELEASE/TRANSFER

- A. Officer(s) assigned to release or transfer a prisoner is responsible for ensuring that:
 - 1. The correct person is released or transferred. Officers shall verify the identification of the prisoner to be released by personal knowledge, available photograph, or other available data.
- B. Non-contraband/property is returned. The releasing officer shall sign on the appropriate line for releasing the property of the prisoner on the Municipal Lockup Record. The prisoner shall sign for receipt of the property. If the prisoner refuses to sign for the property, a witnessing officer will sign, verifying that the signature was refused.
 - 1. If the prisoner is being turned over to another agency, the person for that agency will sign for the prisoner in the comment section for releasing the prisoner on the lockup record.
- C. The correct bail is taken.
- D. The release/transfer time is noted on the Municipal Lockup Record.

XX. PRISONER RECORDS

- A. It is the responsibility of the Administration and Services Commander to ensure arrestee record information is collected and stored in a manner to ensure its security, completeness, and accuracy. Arrest records shall be disseminated as follows:
 - 1. The dissemination of arrest information shall be in compliance with all applicable federal and state laws.
 - 2. Arrest records shall be maintained by the Records Section in accordance with applicable federal and state laws.

3. Arrestee records shall be stored in a secure area so they are protected from theft, loss, tampering, and destruction.
- B. No information relative to the arrestee's medical record shall be made available to anyone other than duly authorized law enforcement personnel/agencies, court personnel, referral agencies, medical personnel or facilities, immediate family or attorney, or any agency to whom an arrestee may be transferred pursuant to their being taken into custody unless:
 1. Their medical condition is directly related to the charges brought against the arrestee and the shift commander/supervisor releasing the arrest information deems it appropriate.
 2. It is in the best interest of the arrestee's health and well-being that the medical information be released.

XXI. DETENTION OF OUTSIDE AGENCY PRISONERS

- A. The South Milwaukee Police Department shall accept prisoners from an outside agency only in the case of an emergency. The approval of the shift commander/supervisor must be obtained prior to accepting the prisoner.
- B. If not known to department personnel, the officer presenting a person for detention shall be required to produce positive identification. At a minimum, this should include:
 1. A badge
 2. Appropriate credentials (with photo)
 3. If necessary, verification of identity by phone or radio communication.
- C. A copy of criminal charges and full identifiers are necessary before any person shall be accepted for detention by the department.
- D. All South Milwaukee Police Department policies regarding the detention of prisoners shall be adhered to.
- E. The presenting agency is responsible for the prisoner with

reference to:

1. Transportation
2. Meals
3. Consultation with legal counsel
4. Release on bail
5. Expenses associated with the incarceration

F. High-risk subjects (Ex.: suicidal, mental or violent) shall not be accepted for detention by the department.

XXII. KEYS

- A. [REDACTED]
- B. [REDACTED]
- C. [REDACTED]
- D. All keys shall be returned to their storage location immediately after use.
- E. [REDACTED]
- F. The Administration and Services Commander or their designee shall be responsible for inspecting the locks and keys on a weekly basis.

XXIII. INSPECTIONS AND FIRE TESTS

- A. The Administration and Services Commander or their designee shall conduct a weekly inspection of the lockup facility for sanitation, operational wear, arrestee tampering, weapons, and contraband. The inspection shall include examinations of all locks, bars, windows, walls, floors, ventilator covers, glass panels, doors, and other security

devices. Further, supplies of blankets, first aid kits, practicing materials, etc., shall be inspected to ensure adequate supplies are available. The inspection shall be documented on the lockup inspection report and retained by the Administration and Services Commander.

- B The inspection shall also focus on verifying the presence and condition of fire equipment in locations approved by the South Milwaukee Fire Department, and that the evacuation plan for the facility, indicating emergency exits, is posted.
- C The Administration and Services Commander or their designee shall conduct, or ensure that the fire department conducts, a monthly test of the facility's automatic fire detection devices and alarm system. The commander shall also ensure that a semiannual test is conducted by the Fire Department of fire equipment. The test shall ensure that the equipment is operational and functional, as designated. The commander shall maintain a record of all such tests.
- D All defective security equipment shall be replaced or repaired immediately. Any condition conducive to harboring or breeding insects, rodents, or other vermin shall be eliminated.
- E The weekly inspection of the lockup facility shall be recorded on the lockup inspection report and shall be maintained by the Administration and Services Commander.
- F The late shift supervisor shall conduct a daily inspection of the facility's automatic fire detection devices and alarm systems. The inspection shall be logged on the daily sign-in sheet.

XXIV. EFFECTIVE DATE

The effective date of this order is May 1, 2020.

William R. Jessup
Chief of Police

:



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-36

INDEX AS: Arrest Procedures

REPLACES: G.O.16-33

EFFECTIVE: 06-29-2016

WILEAG: 1.7.4, 1.7.5, 1.7.6, 10.1.4

SUBJECT: Arrest Procedures

PURPOSE: The purpose of this General Order is to define the authority of officers to make arrests and to establish guidelines for effecting arrests, both with and without a warrant. Such guidelines shall serve to ensure that all rights and privileges afforded citizens during arrest situations will be diligently protected.

POLICY: It is the policy of the South Milwaukee Police Department that officers shall investigate violations of state and municipal laws and ordinances and shall make arrests for such violations in accordance with procedures imposed by the Constitutions of the United States and the State of Wisconsin; federal, state and municipal legislation; and department policy.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. EFFECTIVE DATE

I. DEFINITIONS

A. Arrest - The act of depriving a person of their liberty by legal authority for a civil or criminal law violation.

- B. Custodial Arrest - The act of depriving a person of their liberty by legal authority for the purpose of holding or detaining them to answer a criminal charge or civil forfeiture action.
- C. Non-Custodial Arrest - The act of temporarily depriving a person of their liberty by legal authority for the purpose of issuance of a citation or summons relating to a civil forfeiture action.
- D. Crime - Conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime. (Wisconsin State Statute 939.12)
- E. Fresh Pursuit - The pursuit of a defendant initiated immediately upon observation of a crime by an officer. The pursuit may also be initiated based upon information provided to an officer by a witness who has just observed a crime. Wisconsin State Statute 175.40(2), permits a peace officer, when in fresh pursuit, to follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce.
- F. Probable Cause - The amount of evidence which would lead a reasonable police officer to believe that a crime probably has been committed and that the person in question has probably committed it. It is more than a hunch or suspicion, but is less than sufficient evidence to bind over for trial. For the purpose of interpreting Wisconsin statutes, Aprobable cause@ is used interchangeably with Areasonable grounds@.
- G. Warrant - A written order issued and signed by a judge, and directed to law enforcement officers, commanding the officer to arrest the person identified in the order. An arrest warrant may be for the violation of a criminal law (criminal arrest warrant) or in connection with a civil proceeding, i.e. failure to appear at a divorce, family support or paternity hearing (civil arrest warrant).

II. PROCEDURES

- A. Authority to Arrest:

1. Wisconsin State Statute 968.07(1), permits a law enforcement officer to make an arrest when:
 - a. The officer has a warrant commanding that such person be arrested; or
 - b. The officer believes, on reasonable grounds, that a warrant for the person=s arrest has been issued in this state; or
 - c. The officer believes, on reasonable grounds, that a felony warrant for the person=s arrest has been issued in another state; or
 - d. There are reasonable grounds to believe that the person is committing or has committed a crime.
2. Wisconsin State Statute 968.07(2) provides that, 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.
3. Wisconsin State Statute 62.09(13) expands an officer's authority to arrest for violations of non-criminal state law and municipal ordinance; it states that an officer shall arrest with or without process any person violating any law of the state or ordinance of the city.
4. Section 6.04 of the South Milwaukee Municipal Code, Police - Power of Arrest, provides that officers may arrest any person violating any law of the state or ordinances of the city, or aiding or abetting in any such violation.
5. Officers making an arrest shall use only that force which is reasonably necessary to effect the arrest, General Order ORG – 7: Use of Force.
6. South Milwaukee Police Department General Order ADM – 11: Rules and Regulations apply.
7. South Milwaukee Police Department General Order

LEG – 1: County Wide Jurisdiction applies.

8. South Milwaukee Police Department General Order
LEG-2: State Wide Arrest Authority applies.

B. Safety Considerations in Making Arrests:

1. An effort shall be made to effect warrants, or warrantless arrests in an environment that poses minimal danger to officers, citizens and the suspect.
2. When possible, all custodial arrests shall be conducted by two or more officers.

C. Discretion:

1. Officers are expected to use discretion and authority in compliance with the law, in furtherance of Department goals and objectives and in compliance with the Police Code of Ethics.
2. When confronted with situations involving non-criminal conduct (i.e. traffic and ordinance violations, etc.) officers may want to explore alternatives to arrest, which could achieve the objectives as well. In these circumstances officer discretion is a case by case evaluation.
3. Also see General Order ADM – 37: Authority & Discretion.

D. Arrest With a Warrant:

1. The South Milwaukee Police Department maintains a file of all warrants issued as a result of department action. This file is maintained in the Communications Center and is available to all officers on a 24 hour basis.
2. Officers shall initiate a CAD entry for all warrant service attempts. If an officer is unsuccessful at serving a warrant, the reason shall be recorded in the narrative section of the CAD screen. All successful warrant arrests shall be documented by an arrest

report, per General Order RDC – 2: Records Section.

3. When an officer does not have an arrest warrant in their possession, they shall be responsible for confirming the validity of the warrant. Warrants from other jurisdictions shall require teletype confirmation; however, telephone confirmation shall be acceptable pending its receipt.
4. Temporary detention of an individual for the purpose of verifying warrant status is permissible.
5. Upon making an arrest on the strength of a warrant, the arresting officer shall inform the defendant as soon as practicable of the nature of the crime/warrant with which they are charge.
6. Time of Service - An arrest warrant may be lawfully served at any time. There are no statutory provisions as to time of service. Warrants should be served promptly and without delay.
7. Officers shall not leave the City of South Milwaukee to serve a warrant unless notification is made to the jurisdiction in which the warrant is to be served, or are involved in a fresh pursuit situation.
8. A warrant may be served at any place, public or private, where the individual named is reasonably believed to be. Factors to be considered in determining the place of the arrest include:
 - a. Knowledge of the individual=s whereabouts and likely movement.
 - b. Safety and security of the arrestee, the officers, and any third persons.
9. When serving an arrest warrant at a residence, officers will, before entering, knock announce their identity and purpose, and await permission to enter, with the following exceptions:

- a. When executing a warrant for a felony and after announcing identity and purpose, entry is refused.
 - b. When those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that destruction of evidence is being attempted.
 - c. When those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that escape is being attempted.
 - d. When officers are justified in the belief that they, or the persons within, are in imminent peril of bodily harm.
10. When forcible entry is required, officers shall perform the following:
 - a. Locate and control all persons on the premises and any property which might potentially serve as a weapon.
 - b. Photograph any damage that occurred as a result of the forcible entry and describe in the offense report how the damage occurred.
11. Juvenile Capias/Warrants - see General Order
ORG-1: Juvenile Operations.

E. Arrest by Citation:

1. Certain warrantless arrest situations shall be accomplished through the issuance of a City of South Milwaukee municipal citation or a State of Wisconsin Uniform Traffic Citation. These situations can be categorized as follows:
 - a. Violation of a City of South Milwaukee Municipal Ordinance.
 - b. Violation of a State of Wisconsin, non-criminal

traffic statute.

- c. Violation of a State of Wisconsin, criminal traffic statute.
2. The following guidelines shall apply to the issuance of a municipal citation:
 - a. The action for which the citation is being issued must constitute a violation of Municipal Ordinance.
 - b. If the action for which the citation is being issued also represents a violation of a state criminal statute, officers shall weigh factors such as the gravity of the offense, the demeanor of the offender, the safety of all parties involved, and previous department contacts with the offender in determining whether the offender should be issued a citation or arrested for a crime. The Milwaukee County District Attorney's Charging Guidelines shall be consulted.
 - c. The arrest shall be non-custodial in nature. An offender arrested solely on the basis of a Municipal Ordinance violation shall be released upon being properly identified, booked, and issued a copy of the citation(s).
3. The following guidelines shall apply to the issuance of a Uniform Traffic Citation for a non-criminal manner:
 - a. The action for which the citation is being issued must constitute a violation of Wisconsin, non-criminal traffic statutes or a City of South Milwaukee Municipal Ordinance adopting the same statute.
 - b. In all cases where a Municipal Ordinance has adopted the state statute, the citation shall be written in a manner that has the City of South Milwaukee bringing the charge.
 - c. The arrest shall generally be non-custodial in

nature. An offender arrested solely on the basis of a violation of a non-criminal, state traffic statute, or ordinance in conformity therewith, shall be released upon receipt of the citation. In a situation where an out-of-state driver is the offender every effort to have bond posted shall be attempted, General Order TFC-4: Traffic Enforcement.

- d. A second offense license violation (i.e., OAR/OAS/OWL) shall result in the offender being issued a citation on scene of the stop as long as a picture ID is obtained. If the OAR is a criminal violation the arrest shall be custodial. (See below)
4. The following guidelines shall apply to the issuance of a Uniform Traffic Citation for a criminal matter:
 - a. The action for which the citation is being issued must constitute a violation of Wisconsin, criminal traffic statutes.
 - b. The arrest shall generally be custodial in nature. An offender arrested for a state traffic crime may be confined at the Milwaukee County Jail. Bail may be posted at the Milwaukee County Jail.
 - c. Criminal OAR offenses (it shall be noted that OAR offenses are NOT criminal unless the revocation was OWI related) shall be arrested custodially, booked and given an order in date to the District Attorney's Office/State Traffic Court.
5. An officer solely attempting to effect an ordinance or citation arrest shall not make a warrantless entry into a residence unless one of the following conditions apply:
 - a. The officer is invited into the residence by someone the officer can reasonably believe has the authority to make such an invitation; or

- b. The officer is justified in the belief that they, or the persons within, are in imminent peril of bodily harm.

F. Assist Other Agency Requests:

- 1. Periodically, other law enforcement agencies will request assistance from the South Milwaukee Police Department in effecting an arrest. Certain guidelines shall be followed in providing this assistance.

a. Arrest With a Warrant:

- (1). Warrants issued in Wisconsin are directed to all law enforcement officers of the state and may be served anywhere in the state.
- (2). An officer receiving a request from another agency to execute an arrest warrant on their behalf shall first confirm the warrant by checking NCIC and CIB sources. If the warrant does not appear in these computer files, the officer shall request teletype confirmation of the warrant from the requesting agency.
- (3). In exigent situations (i.e., flight of the suspect is imminent) officers may act on a telephone request from another agency. As soon as practicable, a phone request shall always be followed by a teletype confirmation.

b. Arrest Without a Warrant:

- (1). Officers responding to a teletype request from another police agency to effect a warrantless arrest may conduct such an arrest if the defendant is located within the city and it is impractical to obtain a warrant under the circumstances.

- (2). Officers may also effect an arrest on the strength of a radio or telephone request from another agency. However, teletype confirmation of such a request shall be sought, preferably before the arrest is effected. Again, it must be considered impractical to obtain a warrant under the circumstances.
- (3). Officers shall be cautious of other agency requests that contain phrases such as ~~A~~attempt to locate@ or ~~A~~stop and detain@ and shall ascertain the clear nature of the request prior to taking ~~A~~arrest@ action.

G. Arrest Without a Warrant:

1. Officers may arrest without a warrant whenever there is a pressing need for an immediate arrest, and there is probable cause to believe that:
 - a. The suspect is committing or has committed a crime.
 - b. The suspect is wanted for commission of a felony in another state.
 - c. The suspect is wanted in this state.
2. Whenever there is not a pressing need for an immediate arrest, police officers should obtain a warrant.
3. The decision to make a custodial arrest shall be based on the gravity of the offense, likelihood of flight, safety of the public, and the need to collect and preserve evidence essential to prosecution.
4. When circumstances permit an officer to effect an arrest without a warrant, and the arrest will be made at a private residence, officers shall be required to knock, state their identity and purpose, and wait for

permission to enter. Without permission to enter, warrantless entries are generally considered unreasonable unless the following circumstances exist:

- a. When probable cause exists to make a felony arrest and those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that destruction of evidence is being attempted.
- b. When probable cause exists to make a felony arrest and those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that escape is being attempted.
- c. When probable cause exists for making an arrest and officers are justified in the belief that they, or the persons within, are in imminent peril of bodily harm.
- d. When officers, with probable cause to make an arrest for a crime, are in fresh pursuit of a defendant.

5. When forcible entry is required, officers shall perform the following:
 - a. Locate and control all persons on the premises and any property which might potentially serve as a weapon.
 - b. Photograph any damage that occurred as a result of the forcible entry and describe in the offense report how the damage occurred.
6. Officers shall generally not leave the City of South Milwaukee to effect a warrantless arrest unless they are working in conjunction with an officer of the jurisdiction in which the arrest is to be made or involved in a fresh pursuit situation.

H. Alternatives to Arrest: Operating within the guidelines for use of discretion, officers have the authority to explore arrest alternatives. Officers have a list of alternatives which include, but are not necessarily, limited to:

1. Warn and Advise: Officers give a verbal warning to the subject and advise them of possible consequences to their actions.
2. Written Warning: Officers may issue a written warning to a subject for a violation.
3. Referral to Other Agency: Officers may refer subjects to other agencies to assist in problem solving. These agencies may include social services, various counseling services, or human service agencies, or other City agencies or departments.
4. An alternative to a custodial arrest is to complete an offense report documenting the alleged criminal activity and refer the report to the District Attorney's Office for review and the issuance of a criminal complaint and warrant or summons to appear.
5. In special circumstances (i.e.: injury/illness, child care needs) officers, after receiving permission from the on duty supervisor, may order in a wanted subject (only on a South Milwaukee Police Department warrant/commitment) to see the Municipal Clerk of Courts to make arrangements for the status of the warrant/commitment.

III. EFFECTIVE DATE

The effective date of this order is August 12, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-30

INDEX AS: Booking Room

REPLACES: G.O. 17-31

EFFECTIVE: 12-08-2017

WILEAG: 7.2.3, 7.2.4, 7.2.14, 10.1.10

SUBJECT: Booking Room

PURPOSE: The purpose of this General Order is to standardize and expedite the South Milwaukee Police Department's booking procedure when an arrest is made.

This order consists of the following numbered sections:

- I. ARRIVAL OF AN ARRESTED PERSON AT THE POLICE DEPARTMENT
- II. DISPATCHER'S RESPONSIBILITY IN THE BOOKING PROCESS
- III. OFFICER'S RESPONSIBILITIES IN THE BOOKING PROCESS
- IV. DNA COLLECTION AT TIME OF BOOKING
- V. EFFECTIVE DATE

I. ARRIVAL OF AN ARRESTED PERSON AT THE POLICE DEPARTMENT

- A. Arresting and assisting officers will deposit their weapons in the provided gun lockers prior to entering the secured booking area of the police department. This should be accomplished before removing the prisoner from the transport squad. Detainees should also be thoroughly searched prior to entry into the booking area. The Booking area is the area that is to be used for the processing, testing, interview/interrogation and temporary detention of detainees. It also includes the

attached interview room known as the secure interview room.

- B. If the prisoner is non-violent, the handcuffs may be removed from the prisoner, once in the secure area. If a potential for violence exists, handcuffs may be left on the prisoner, at the officer's discretion. The prisoner may also be handcuffed to the bench in the booking area that is designed and intended for that use, however, the prisoner is not to be left unattended.
- C. All prisoners will be recorded through-out the booking process. It is the responsibility of the first officer to arrive in the booking room with the prisoner to immediately activate the Digital Video Recorder (DVR) [REDACTED] [REDACTED]. The DVR should be turned off at the completion of the booking process. If an incident does not occur while processing the subject, the video may remain on the DVR and not be downloaded into the SMPD video server. If an incident does occur, the arresting officer must ensure that the video is downloaded and saved to the SMPD video server. A copy of the booking DVD should also be made for evidence purposes or later use in court. In the case of OWI related bookings/arrests, the booking video shall be downloaded and saved to the SMPD video server by the arresting officer.
- D. All violent prisoners will be placed directly in the lockup facility until such time that the prisoner can be booked in a safe manner.
- E. Detainees in the booking area who require the use of a bathroom or access to water will be escorted by an officer and allowed to use a bathroom facility in the cell block.
- F. Evacuation plans in case of fire are posted in the booking room/processing area.

II. DISPATCHER'S RESPONSIBILITY IN THE BOOKING PROCESS

- A. The audio/video monitor of the booking room and/or adjoining interview room will be monitored when a subject is brought in for processing.
- B. Other officers will be summoned if the dispatcher perceives trouble or that assistance is needed in the booking room.

C. All subjects brought in for booking will be run through CIB for wants and records.

III. OFFICER'S RESPONSIBILITIES IN THE BOOKING PROCESS

A. The arresting officer will ascertain that the information given by the subject in custody is correct. To accomplish this, the officer may utilize:

1. Proper identification found on the person.
2. Mug shots from a prior arrest.
3. Personal and/or other officer's identification of the subject.
4. [REDACTED]
5. Use of other reliable information that would verify the subject's identification.

B. The arresting officer will verify with dispatch that a record check has been made on the subject for wants and warrants.

C. The detainee in the booking area will be under constant supervision. The arresting officer is responsible for this supervision unless he/she has turned over that responsibility to another assisting officer. Prisoners will not be left unattended at any time in the booking facility. Once the prisoner has completed the booking, processing, testing or interview/interrogations process, they will either be transported or they will be placed into the municipal lockup.

D. Male, Female and Juvenile detainees must be kept separate in the booking/processing areas.

E. All offenders will have a mug shot taken. In order to prevent duplication of arrest submissions to the state, fingerprinting for state arrests will only be completed if the offender **IS NOT** going to be transported to the Criminal Justice Facility and held for a charging conference. If fingerprinting is done for an "order in" state case it shall include two green cards, one final disposition record and one red card (if charged with a

felony). Fingerprinting shall be completed for all in custody municipal arrests.

- E. If the subject is to be placed in the municipal lockup, a municipal lockup form will be completed. In addition, all officers will follow G.O. ORG – 12: Municipal Lock-up.
- F. If the subject is booked (but not placed in the Lock-up) and they are to be transported to the CJF, Children's Court or other municipality, the officer will first complete the Booking Observation form (addendum A) documenting any observable signs of illness, injury, alcohol or drug use, or violent tendencies. This form will be attached to the incident report.
- G. Subjects that are to be booked and released will receive their copy of the citation, order-in slip, P.R. bond, OWI surcharge and/or any other applicable paperwork. Prior to release of the subject the officer will complete the Booking Observation form (addendum A) documenting any observable signs of illness, injury, alcohol or drug use, or violent tendencies. This form will be attached to the original incident report. The officer will need the Release to Responsible Party form completed for municipal OWI arrestees who are being released to a sober and responsible adult.
- H. On all state cases, the proper DA Charging Sheet and Witness Data forms will be completed. Criminal Complaint forms will also be sworn to and printed for attachment when they become available. Normally, this will be conducted online via the e-referral / e-file process through the Milwaukee County DA's Office.
- I. The designated court officer shall complete a supplementary incident report which details the results of the charging conference as soon as practical upon the return to the Department or more normally, upon swearing to an e-file complaint.

IV. DNA COLLECTION AT TIME OF BOOKING

Refer to G.O. ADM-55: DNA Collection for Certain Offenders regarding protocol for collection of DNA samples at the time of arrests for certain offenders and for obligated offenders.

In accordance with WI Act 20, the Milwaukee County Sheriff's Office will collect DNA for violent felony arrest in Milwaukee County

at the time of booking in the Milwaukee County Jail for all adults who meet the State of Wisconsin standards for DNA collection.

IV. EFFECTIVE DATE

The effective date of this order is April 17, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-26

INDEX AS: Drugs, Vice, and Organized Crime

REPLACES: 17-30

EFFECTIVE: 06-07-17

WILEAG: 1.5.4, 12.2.6.2, 6.1.8, 6.3.11, 6.3.3, 6.3.5, 6.5.1, 6.5.2

SUBJECT: Drug Enforcement, Vice, and Organized Crime

POLICY: The intent of this General Order is to establish guidelines for conducting preliminary and follow-up investigations of Drugs, Vice, and Organized Crime offenses.

This order consists of the following numbered sections:

I. GOALS AND OBJECTIVES

II. AUTHORIZATION

III. PROCEDURES FOR RECEIVING AND PROCESSING COMPLAINTS

IV. MAINTAINING RECORDS

■ [REDACTED]

■ [REDACTED]

VII. EVIDENCE

■ [REDACTED]

■ [REDACTED]

X. EXECUTION OF SEARCH WARRANTS

XI. TRAINING

XII. ASSET FORFEITURES

XIII. EFFECTIVE DATE

I. GOALS AND OBJECTIVES

- A. To conduct investigations that will lead to the arrest and successful prosecution of persons involved in drug trafficking, vice, and organized crime, which will deter individuals from conducting such activities in and around our community.
- B. To establish and maintain a comprehensive intelligence network of persons involved in drug trafficking, vice, and organized crime in and around our community and to disseminate this intelligence to other officers in other jurisdictions, as necessary.
- C. To educate the community to the consequences of use and abuse of dangerous drugs.
- D. To encourage community support of our Department's efforts in the enforcement of drugs, vice, and organized crime.

II. AUTHORIZATION

- A. Drugs, Vice, and Organized Crime Enforcement Officer:

All sworn members of the South Milwaukee Police Department are authorized to enforce the Wisconsin State Statutes of Chapter 961, the Uniform Controlled Substance Act, and Chapter 450, the Pharmacy Examining Board, as well as other criminal law which may be applicable to drugs, vice, and organized crime enforcement. Officers who are regularly involved in and express an interest in the investigation of drugs, vice, and organized crime will receive additional training from South Milwaukee Police Department personnel and/or outside agencies.

B. Drugs, Vice, and Organized Crime Coordinator:

Investigations into drugs, vice, and organized crime, will be coordinated by the Investigation Section Supervisor and/or their designee and will be responsible to the following chain of command:

1. Administration & Services Commander
2. Chief of Police

C. Coordinator Responsibilities:

1. To investigate complaints of drugs, vice, and organized crime.
2. Serve as liaison to drugs, vice, and organized crime officers/units in other jurisdictions.
3. Supervise, direct and assist any officer currently conducting investigations involving drugs, vice, or organized crime.
4. Keep abreast of legal and technical issues concerning the enforcement of drugs, vice, and organized crime.
5. Arrange and/or perform training to department personnel relative to drugs, vice, and organized crime investigations.
6. Establish and maintain intelligence files.
7. Control informant registration and activities.
8. Control disbursements of confidential funds.

III. PROCEDURES FOR RECEIVING AND PROCESSING COMPLAINTS

A. Information/Complaints Received Via Telephone

1. When a telecommunicator answers a telephone call where the caller is giving information regarding drugs,

vice, or organized crime, the telecommunicator will make an event/call for service in the CAD system and attempt to get the caller to speak to an officer.

2. The officer will obtain as detailed information as possible and document the information received in a South Milwaukee Police Department Incident Report. If an officer is not in the station and the caller refuses to give a name and/or number where the officer can call them back or speak to them in person, the telecommunicator will get as detailed information as possible, make an event, and assign the call to a police officer in the same manner other calls for service are assigned.
3. The officer assigned to the call/investigation will be the primary officer for the investigation and will be assigned as such in the Case Management Program of the Records Management System (RMS) by his/her supervisor. The officer will remain assigned through the completion of the investigation, unless removed from that responsibility by a supervisor.
 - a. As with all other criminal investigations, the criteria to remove an officer from an investigation will be predicated on the GET Principle: Geographical, Expertise and Time. The case may be reassigned if the investigation takes the officer out the city too frequently (geographical), the officer does not have the knowledge or skills to complete it (expertise) or the officer would not be able to dedicate the time due to other commitments.
 - b. Officers assigned such investigations can seek technical and other assistance from other officers without being removed as the primary investigator.
4. The progress of all open investigations will be tracked and managed by supervisors using the Case Management System in the RMS.
5. Repeat calls on people already being investigated shall be cross referenced and any new or additional information will be passed on to the officer(s) which is

investigating the case the information pertains to. If the investigation is already started, repeat calls will be called "follow-up" events in the CAD system.

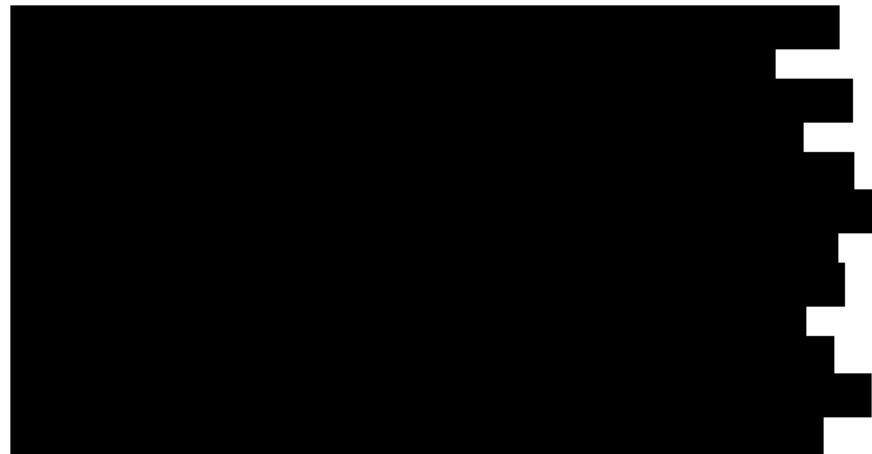
6. Information relating to activity in other jurisdictions will be forwarded to that agency as soon as possible and will be documented in the incident report.

B. Officers Receiving Complaints In-Person:

Officers receiving information about drugs, vice, and organized crime while on patrol, on a call for service, or while doing another activity, will obtain as detailed information as is available, have an event/call for service made in the CAD system and the officer will then compile an incident report with the details of the complaint. The same procedures outlined in Section III, A, 1-6 will be followed.

C. Debriefing of Persons Arrested:

Officers shall attempt to debrief all persons arrested for crimes involving drugs, vice or organized crime.



D. Deconfliction:

Officers shall utilize Event Deconfliction Systems as necessary for investigations.



IV. MAINTAINING RECORDS

A. Complaints:

1. All reports regarding complaints being investigated will be securely stored in the RMS system. Investigating officers will see that the person(s) involved are entered into the Department's computer network so inquiries from other officers/agencies can be answered.
2. Reports pertaining to active investigations, where publicity could hamper the investigation, will be restricted to access only by those personnel who have a need to know.
3. The Investigations Supervisor and/or Drug Coordinator can restrict access to reports/records in the RMS on a case by case basis.
4. Open records requests regarding reports pertaining to drugs, vice, and organized crime, will be brought to the attention of the Drug Coordinator prior to releasing these records.

B. Information:

Officers will document in South Milwaukee Police Department report forms all information conveyed to and received from outside agencies regarding drugs, vice, and organized crime in the same manner as listed in section IV. A.

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

[REDACTED]

■ [REDACTED]

[REDACTED]

VII. EVIDENCE

All evidence seized will be collected, packaged and stored in accordance with General Order ADM – 4: Evidence/Property Control.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

A black and white image showing a series of horizontal bars of varying lengths. The bars are black on a white background. The lengths of the bars decrease from top to bottom. The first six bars are relatively short, while the last bar is extremely long, extending almost to the bottom of the frame. A small black square is located on the far left edge of the image.

X. EXECUTION OF SEARCH WARRANTS

Search warrants will be executed in accordance with General Order ORG 27: Search Warrants.

XI. TRAINING

All officers routinely assigned to the follow up investigation of drugs, vice, and organized crime should receive training in the following topics which may be taught by a South Milwaukee Police Department instructor or an outside agency instructor:

A. Drug identification

- B. Drug field testing
- C. Drug concealment
- D. Current case law on arrest, search, and seizure

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- G Entry Team training

XII. STATE AND FEDERAL ASSET FORFEITURE

The Drug Coordinator will see that all matters pertaining to asset forfeiture will be properly dealt with according to state and/or federal laws.

XIII. EFFECTIVE DATE

The effective date of this order is April 14, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-29

INDEX AS: Emergency Detention Procedures
Wis. State Statute Ch. 51 & Ch. 55

REPLACES: G.O. 17-23
EFFECTIVE: 03-20-2017

WILEAG: 6.1.10

SUBJECT: Emergency Detention Procedures

POLICY: It is the policy of the South Milwaukee Police Department to offer emergency assistance to all those in need. This includes providing assistance to people suffering from mental disorders and developmental disabilities when they are in need of service and care. This assistance is provided in accordance to the provisions of Chapter 51 - the State of Wisconsin Mental Health Act and Chapter 55 - the State of Wisconsin Protective Service System. The services sought for those people in need of care shall be the least restrictive treatment alternative that is appropriate to their needs. Treatment will not be sought for anyone who does not meet the prerequisites to being treated without their consent and all involuntary commitments will be conducted in accordance with federal and state law.

PURPOSE: The department recognizes that officers are not qualified to solve the underlying problems of people who exhibit abnormal behavior, however, officers can learn to recognize it. The officer's course of action at the first encounter can both calm the existing situation and increase the chance that if subsequent treatment is needed for the individual it will be more effective. Responses to situations which involve abnormal behavior should reflect sensitivity to the needs of the people involved, concern for officer safety and safety of others at the scene and concern for alleviating the situation in a reasonable manner and length of time.

Only those persons who are mentally ill and present a "substantial probability of physical harm" to themselves or others as evident by a recent overt act, attempt, or threat to act may be taken into police custody on an Emergency Detention and conveyed to the Milwaukee County Psychiatric Crisis Service/Admissions Center (PCS).

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. LEGAL STANDARDS FOR EMERGENCY DETENTION
- III. DETERMINATION OF PROBABLE CAUSE
- IV. ALTERNATIVE DISPOSITIONS TO EMERGENCY DETENTION INVESTIGATIONS
- V. CONVEYANCE OF ADULT AND JUVENILE EMERGENCY DETENTION CANDIDATES
- VI. MEDICAL TREATMENT OF EMERGENCY DETENTION CANDIDATES
- VII. RELEASE OF EMERGENCY DETENTION CANDIDATES FROM HOSPITALS
- VIII. Ch. 55 – PROTECTIVE CUSTODY
- IX. EFFECTIVE DATE

I. DEFINITIONS

A. Developmental Disability

A disability attributable to brain injury, autism, mental retardation, or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mental retardation, which has been continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual. “Developmental disability” does not include senility which is primarily caused by the process of aging or infirmities of aging.

B. Drug Dependent

A person who uses one or more drugs to the extent that the person’s health is substantially impaired or his/her social or economic functioning is substantially disrupted.

C. Mental Illness

For purposes of involuntary commitment, means a substantial disorder of thought, mood, perception, orientation, or memory which grossly impairs

judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, but does not include alcoholism.

II. LEGAL STANDARDS FOR EMERGENCY DETENTION

- A. Chapter 51.15(1) – Wisconsin State Statute states a law enforcement officer may take an individual into custody if the officer has cause to believe that such individual is mentally ill, drug dependent or developmentally disabled, that taking the person in to custody is the least restrictive alternative appropriate to the person's needs, and that the individual evidences any of the following:
 1. A substantial probability of physical harm to him/herself as manifested by evidence of recent threats of, or attempts at, suicide or serious bodily harm.
 2. A substantial probability of physical harm to others as manifested by evidence of recent homicidal or other violent behavior on his/her part, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm on his/her part.
 3. A substantial probability of physical impairment or injury to him/herself or other individuals due to impaired judgment, as manifested by evidence of a recent act or omission.
 4. Behavior manifested by a recent act or omission that, due to mental illness, he/she is unable to satisfy basic needs for nourishment, medical care, shelter or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation or serious physical disease will imminently ensue unless the individual receives prompt and adequate treatment for this mental illness.
- B. The officer's belief shall be based on a specific recent overt act, attempt, or threat to act, or omission made by the individual and observed by or reliably reported to the officer.

III. DETERMINATION OF PROBABLE CAUSE

- A. Emergency Detention Standards: The standard for Emergency Detention is no different than that of “probable cause” to arrest in a criminal case. The belief is based on a specific and recent act, attempt, or threat to act, such as a recent threat or attempt at suicide or serious bodily harm, or recent homicidal or other violent behavior where others are placed in reasonable fear for their safety because of a person's recent overt act, attempt or threat to do physical harm, or on a failure to satisfy basic human needs under Section II.A.4.

B. Personal Observation Is Not Necessary: It is not necessary for an officer to personally observe a person's bizarre behavior. The standard for police action is "probable cause", not personal observation. Thus, officers should base their decision to initiate an Emergency Detention on the totality of the circumstances in each case. This includes, but is not limited to, the following:

1. Officer's observations of the scene (weapons, pills, suicide notes, odor of natural gas, lack of food, heat or air conditioning, evidence of a struggle, etc.).
2. Observations of the person (dress, behavior, or physical condition).
3. Statements of family members, relatives, neighbors, ambulance or other medical personnel, etc.
4. Prior police contacts with the person.
5. Past mental health history of the person.
6. Statements (if any) made to officers or others by the person. NOTE: It is not required that the patient make an "incriminating" statement to police before an Emergency Detention can be made. Officers are also cautioned not to rely exclusively on patient statements that may contradict the other factors in the investigation.

IV. ALTERNATIVE DISPOSITIONS TO EMERGENCY DETENTION INVESTIGATIONS

If the circumstances indicate that there was no harmful act or behavior, the person is cooperative with a low risk of reoccurrence, and it serves the interest of the person and the public, an officer may choose an alternative disposition.

A. Voluntary Psychiatric Evaluation: If the person is cooperative, have the person evaluated on a voluntary basis at the closest medical treatment facility.

Evaluation may be sought at another facility upon request of the person. In such cases the person may be conveyed in a department vehicle with the Shift Commander's approval.

B. Crisis Intervention Team:

1. Summon the Crisis Intervention Team if:

- a. The person has made comments regarding hurting him/herself, and no other actions have occurred (overdose, cutting, etc).
- b. There is a question as to whether an Emergency Detention should occur.

- c. The person needs other assistance that falls outside the parameters of an Emergency Detention.
 - 2. The Mobile Team shall be contacted for evaluation of any person 18 years old or older ([REDACTED]).
 - 3. The Children's Mobile Crisis Team (formerly known as 'Mobile Urgent Treatment Team (MUTT)') shall be contacted for evaluation of any person 18 years old (if still in high school) or younger ([REDACTED]).
- C. Currently Under Professional Care: If the person is currently under the care of a mental health professional, suggest the person contact the professional to evaluate the need for immediate treatment. If the mental health professional recommends immediate treatment at a private mental health facility, the person may be conveyed in a department vehicle with the Shift Commander's approval, if no other means of transportation is available, and the facility is located within Milwaukee County.
- D. 24 Hour Crisis Line/Voluntary Treatment at PCS Center: Advise the person to call the Mental Health Division's 24-hour Crisis Line (414-257-7222) for phone counseling or to arrange for voluntary admittance. If the person voluntarily decides to seek treatment at the Mental Health Complex, the person may be conveyed in a department vehicle with the Shift Commander's approval, if no other means of transportation is available.
- E. Intoxicated Persons: Intoxicated persons who do not appear to be acutely mentally ill and who do not pose a substantial threat to themselves or others may be taken to Detox under the provisions of Wis. Stats. 51.45.
- F. Involuntary Mental Commitments by Private Parties: When an officer is requested by a complainant to take a person into custody under an Emergency Detention but is unable to determine from his/her investigation that there is a need for immediate Emergency Detention or if probable cause is lacking under Wis. Stat. 51.15(1), the officer should not take the person into custody. The officer should refer the complainants to the Milwaukee County Corporation Counsel, 901 N. 9th St., Room 303 ([REDACTED]) to obtain a three-party petition for mental examination under Wis. Stat. 51.20(1). This section states in part: "each petition for examination shall be signed by three adult persons, at least one of whom has personal knowledge of the conduct of the subject individual". These persons need not be relatives or physicians but must be adults. At least one petitioner must have personal knowledge of the person's conduct. You may also direct the complainant to the Milwaukee County website where a three-party petition screening form can be found in the Corporation Counsel section.

V. CONVEYANCE OF ADULT AND JUVENILE EMERGENCY DETENTION CANDIDATES

A. Ambulance Request

1. If medical conditions, injuries, or ingestions of drugs are involved, the investigating officer(s) shall request an ambulance through the Communications Center, describing the patient's injury and condition.
2. The person shall be conveyed to the nearest or most appropriate emergency medical facility, depending upon the injury or illness.

B. Police Conveyance

If the person being detained is not in need of emergency medical services, or was treated and released, the investigating officer(s) shall complete the blue Emergency Detention form and convey the person to PCS. A squad car or ambulance may be used for the conveyance.

VI. MEDICAL TREATMENT OF EMERGENCY DETENTION CANDIDATES

A. Emergency Treatment Facility

If a candidate for Emergency Detention requires medical treatment and/or a medical clearance (i.e., overdose, lacerations, etc.) prior to admission to the PCS, that medical treatment and/or clearance shall be sought at the nearest appropriate hospital emergency treatment facility.

B. Person Admitted to Hospital

If the person is admitted to the hospital for treatment:

1. At the time of admittance, the officer should inform the charge nurse that the patient is a candidate for Emergency Detention and place a "hold" on the person [REDACTED] [REDACTED] The officer shall request the charge nurse call the Shift Commander before the patient is released.

a. [REDACTED]

2. Complete the Emergency Detention report.

- a. List the location and date and time the individual is taken into custody (that is the date and time that they were under the physical

control of law enforcement.) “The subject was detained at (location) on (date and time)…” Then sign and date accordingly.

- b. The time of detention is when the subject is taken into custody, i.e., when law enforcement has placed the person under physical control, NOT the time of arrival at the hospital.
 - c. Fax the Emergency Detention report to Crisis Services [REDACTED] [REDACTED] by the end of the call or within 2 hours of the patient being taken to the hospital.
3. The original Emergency Detention Report shall be delivered to PCS upon the person’s transport to PCS, or within 24 hours of the Emergency Detention, whichever comes first.
4. A copy of the Emergency Detention report shall also be filed in the report basket (so the report may be scanned in and attached to the case in the RMS system).
5. Notify the Shift Commander of the person’s status and make appropriate notations on the “pass-on board”.

VII. RELEASE OF EMERGENCY DETENTION CANDIDATES FROM HOSPITALS

- A. Once the paperwork is faxed to Crisis Services and the Mobile Psychologist has reviewed the Statement of Emergency Detention by Law Enforcement Officer, one of two events will occur:
 1. The Mobile Psychologist will issue a TDS (Treatment Director Supplement) - the person has been turned over to Mental Health and the officer/department is no longer responsible for the person or;
 2. The Mobile Psychologist determines there is no need for a TDS. The Mobile Psychologist will contact the department and inform the Emergency Detention has been dropped. In this case the officer taking the phone call from the Mobile Psychologist will write a supplemental report indicating the doctor’s name and the date/time the Emergency Detention was dropped. The CAD call should also be updated with this information.
- B. If the responsibility for the person has not been transferred to PCS prior to medical clearance the department is responsible for transporting the person to Mental Health (with the original Statement of Emergency Detention by Law Enforcement Officer).
- C. Once the Mobile Psychologist issues a TDS the Milwaukee County Behavioral Health Division has accepted responsibility for transporting the person. However,

if a person is very violent or has a police criminal hold the Milwaukee County Behavioral Health Division may request the department transport the person due to flight risk. The original Emergency Detention Report shall be delivered to PCS.

VIII. Ch. 55 – PROTECTIVE CUSTODY

A. Chapter 55 - provides legal procedures for emergency protective placements if it is probable that an individual is incapable of providing for his or her own care or custody so as to create a substantial risk of physical harm to himself, herself or others if protective intervention is not immediately taken.

B. Criteria for a Chapter 55

1. Persons suffering from a permanent impairment such as severe and persistent mental illness, traumatic brain injury, degenerative brain disorder such as Alzheimer's or Dementia, developmental disability or other like incapacity.
2. The person's disability is permanent or likely permanent.
3. The person is so totally incapable of providing for his/her own care or custody as to create a substantial risk of serious harm to oneself or others. The harm can be proven by evidence of overt acts or acts of omission.

C. Procedures

1. If no immediate assistance is needed and the subject is over 60yrs of age, a referral to the Milwaukee County Dept. of Aging is recommended. The Milwaukee County Dept. of Aging be reached during normal business hours at 414-289-6874. If the subject is under 60yrs of age the Milwaukee County Disability Services can be reached at 414-289-6660.
2. If in need of immediate medical care, the subject should be transported to a hospital for evaluation. Advise the medical staff that the subject is in need of services by the Dept. of Aging. Only a Milwaukee County Adult Protective Services worker may detain the person at an appropriate facility and initiate an emergency protective placement if the subject meets the above criteria.

IX. EFFECTIVE DATE

The effective date of this order is April 17, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-30

INDEX AS: Investigations Section

REPLACES: G.O. 15-17

EFFECTIVE: 11-05-2015

WILEAG: 1.3.5, 1.7.2, 6.3.1, 6.3.11, 6.3.2, 6.3.3, 6.3.4, 6.5.2,
11.1.1

SUBJECT: Investigations Section

PURPOSE: The purpose of this General Order is to define the criminal investigation function of the South Milwaukee Police Department and to establish a criminal investigation component within the organization.

POLICY: It is the policy of the South Milwaukee Police Department to ensure that criminal offenses are thoroughly investigated and that the offender is properly processed through the criminal justice system. Responsibility for the completion of criminal investigations is shared by all sworn members of the Department. All officers are expected to complete thorough investigations on all assigned cases. However, it is recognized that certain investigations either require a degree of specialization not possessed by some officers, or are more appropriately managed in a centralized fashion. To that end, the Investigations Section has been established to initiate and coordinate investigations that require resources beyond those which could be reasonably expected of an officer.

This order consists of the following numbered sections:

I. PROCEDURES

II. EFFECTIVE DATE

I. PROCEDURES

A. General Investigative Procedures: Each officer receiving an investigative assignment shall be deemed the primary

investigator for the case and shall be expected to complete a thorough investigation. The primary investigator shall complete both preliminary and follow-up investigations (i.e. area canvas) and shall pursue the matter until all reasonable avenues have been exhausted or the case is turned over to the Investigations Section. The decision to turn a case over to the Investigations Section will be made by a supervisor.

1. In any investigation, officers should utilize all available resources to develop information. The following is a partial list of sources from which information may be obtained:
 - a. The victim/complainant, witnesses, suspects informants.
 - b. Public and private agencies: i.e. corrections, utility companies.
 - c. Automated data systems: [REDACTED].
 - d. Other law enforcement agencies.
 - e. In house computer system.
2. Much of the information needed to complete a thorough investigation will result from the completion of interviews and interrogations. Interviews and interrogations are conducted in order to collect any facts relating to an incident, to substantiate information obtained from other sources or to provide additional information pertaining to the incident under investigation. Officers will gather information from witnesses, suspects, or arrestees, which may help in the solution of crimes. However, it is necessary to be equally alert to ensure that interviews and interrogations conform to legal standards. All officers shall interview, interrogate or otherwise question persons in accordance with the law and General Order ORG – 21: Constitutional Requirements.
 - a. Witnesses shall be located and interviewed as quickly as possible to enhance the reliability of their information and reduce the inconvenience often associated with volunteering witness

information.

- b. Suspects being interviewed in a non-custodial setting need not be advised of their Miranda rights if they clearly understand they are not being detained and are free to leave or terminate the interview or they are being interviewed in an environment where a reasonable person would be able to conclude that they could leave or terminate the interview.
- c. Whenever the information resulting from an interview/interrogation is significant, officers should attempt to reinforce the interview/interrogation with a written statement.

[REDACTED] Officers should follow the procedures outlined in ORG-28 regarding Electronic Recording of Custodial Statements.

- 3. Officers conducting investigations shall be diligent in identifying, collecting, and preserving items of physical evidence and shall be guided in this endeavor by General Order ADM – 4: Evidence and Property Control.
- 4. [REDACTED]
- 5. Background investigations may be conducted on individuals suspected of criminal activity, certain business license applicants, and pre-employment candidates.
 - a. Any lawful information source may be explored during a background investigation.



- b. Information obtained in a background investigation for criminal investigations will be controlled and maintained through the Investigations Section Supervisor. This information will be considered intelligence information and will be controlled in a manner consistent with General Order ADM – 26: Crime Analysis. Personnel having access to this information will be on a need-to-know basis and designated by the supervisor.
- c. All background investigation records shall be purged as circumstances dictate and at the discretion of the Investigations Section Supervisor in accordance with General Order ADM – 26: Crime Analysis.

B. Preliminary Investigations

- 1. The preliminary investigation begins when the primary assigned officer arrives at the scene, and continues until there is either a conclusion of the investigation or a transfer of case responsibility.
- 2. The following steps shall serve as a general guide for completing a preliminary investigation:
 - a. Make observations and documentation of all pertinent conditions, events and remarks.
 - b. Locate, identify, and interview all complainant(s), victim(s), and witnesses involved with the investigation. Obtain written statements where appropriate.
 - c. Maintain the integrity of the crime scene and protect evidence until it can be properly handled and collected (General Order ADM – 4: Evidence and Property Control).

- d. Identify, locate and interrogate any suspect(s). Effect the arrest of the suspect(s) when probable cause exists for the arrest.
- e. Prepare an accurate and complete report of all circumstances, findings, evidence and other data as may be related to the criminal investigation. This report shall be completed prior to the officer leaving their tour of duty unless excused by the shift supervisor.

C. Follow-up Investigations:

- 1. A follow-up investigation (i.e. area canvas) may be conducted on those investigations which require additional research. Follow-up investigations will generally be performed by the primary officer, but under certain circumstances, the primary officer may be unable to complete an investigation. When this occurs, the investigation shall be turned over to the supervisor of the shift where follow-up can be done or to the Investigations Section for follow-up.
[REDACTED]
- 2. The criteria for transferring a case to Investigations may be based on the Geographical, Expertise and Time (G.E.T.) principle. The case could be re-assigned if the investigation would take the officer out of the city on too frequent a basis (geographical), the officer does not have the knowledge or skills to complete it (expertise) or the officer would not be able to dedicate the time due to other commitments. Officers assigned such investigations can seek technical and other assistance from other officers without being removed as the primary investigator.
- 3. Follow-up investigations may include, but are not limited to, any of the following:
 - a. Review of reports prepared by other officers during the course of the preliminary investigation

- b. Conducting additional interviews and interrogations
- c. Gathering additional information from officers, other agencies, electronic databases, etc.
- d. Conducting surveillance
- e. Disseminating information to other officers or agencies
- f. Obtaining search warrants and planning/executing searches
- g. Collection of additional evidence
- h. Identifying and apprehending suspects and determining their involvement in other crimes
- i. Preparing required reports
- j. Preparing cases for court presentation and assisting with prosecution
- k. [REDACTED]

D. The Investigations Section:

- 1. The Investigations Section has been established to conduct investigations requiring a degree of specialization not possessed by some officers, or those more appropriately managed in a centralized fashion.
- 2. The Investigations Section shall be responsible for the following:
 - a. Conducting all criminal investigations not assigned to patrol officers.

- b. Conducting all criminal investigations requiring specialized knowledge or expertise, such as:
 - (1). Homicide or unnatural death
 - (2). Robberies
 - (3). Sex Offenses
 - (4). Child Abuse (these cases are also assigned to those patrol officers who have special training in this area.)
 - (5). White collar and computer crimes
 - (6). Major burglaries
 - (7). Arson (these cases may also be assigned to patrol officers who have received arson training)
 - (8). Major drug investigations
 - (9). Vice organizations
 - (10). Organized crime investigations
- c. Management of the Police-School Liaison program.
- d. Gathering and maintaining intelligence information.
- e. Maintaining a liaison with local, state, and federal law enforcement agencies and non-law enforcement agencies for the purpose of gathering and disseminating information.

3. For investigations in which Investigations Section personnel are needed but not on duty a call-in list is maintained. The call-in list is kept in the Communications Center.

E. Investigations Section Supervisor

1. The Investigations Section Supervisor shall be directly responsible for the function and control of the section.
2. The Investigations Section Supervisor shall have general oversight responsibility for the investigative function of the entire Department.
3. The Investigations Section Supervisor shall maintain a case management system. This system identifies the officer assigned to an investigation, date assigned or last date updated, case number, type of case, and status. The Investigations Section Supervisor is also responsible for preparing a monthly report on case status.
4. The Investigations Section Supervisor shall assign one of the following designations to each case:
 - a. ATR - awaiting test results
 - b. OPN - an open case: may also have a designator of BI for Bureau Investigation or UI for Patrol Investigation.
 - c. CLO - Case is closed: an arrest has been made and information presented for prosecution or other exceptional clearance.
 - d. SUS – suspended/all available leads have been exhausted but the case has not been brought to a satisfactory conclusion
 - e. TER - Investigation Terminated: e.g. the victim withdraws the complaint
 - f. TTO - Cleared by Referral: the investigation has been referred to another agency or juvenile has been referred to Children's Court
 - g. UNF - case is unfounded
5. Case files shall generally be maintained electronically within the Phoenix RMS and can be accessed by all

personnel. Cases involving intelligence, organized crime, vice, or any other reports deemed as sensitive will be given restricted access by the Investigation Section Supervisor.

6. Case files shall be purged on an as-needed basis by the Investigations Section Supervisor. Cases are reviewed for purging every 60-120 days. The Investigation Section Supervisor will consider the following when purging cases:
 - a. Case status designation
 - b. Information regarding solvability
 - c. Other pertinent case status facts

F. Industrial Accident Investigations

All reported industrial accidents involving serious injury and/or death shall be thoroughly investigated by the South Milwaukee Police Department. The Milwaukee County District Attorney's Office shall be notified, as soon as possible, of any industrial accident involving a death or serious injury.

II. EFFECTIVE DATE

The effective date of this order is December 5, 2018.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-28

INDEX AS: Confidential Informant

REPLACES: G.O. 17-31

EFFECTIVE: 06-07-2017

WILEAG: 6.3.5

SUBJECT: Confidential Informant

POLICY: The intent of this General Order is to establish guidelines for the use and control of Confidential Informants (CIs). These guidelines are necessary to protect the integrity of the South Milwaukee Police Department and its members as well as to establish the integrity and reliability of CIs.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. CONFIDENTIAL INFORMANT USE
- III. PROCEDURES
- IV. EFFECTIVE DATE

I. DEFINITIONS

Confidential Informant: A person who is cooperating with police to obtain information or evidence of violations of state and/or federal laws.

[REDACTED]

[REDACTED]

II. CONFIDENTIAL INFORMANT USE

Confidential Informants and information obtained from them can be used in any type of investigation the police could become involved

in. [REDACTED]

[REDACTED]

III. PROCEDURES

A. Use of Informants

1. Before using an individual as a CI, an officer **must** receive initial approval from the Investigation Section Supervisor or their designee.
2. Prior to seeking approval to use an individual as an informant, the officer shall do the following:
 - a. Conduct a background investigation of the individual, [REDACTED]
[REDACTED]
[REDACTED]
 - b. The officer should debrief the individual and then attempt to verify the information through independent investigation to establish the individual's reliability.
3. [REDACTED]
[REDACTED]
4. Once approval to use an individual as a CI has been granted, it can be canceled at any time, should it be determined that it is not in the best interest of the Department to utilize certain individuals as a CI.
5. [REDACTED]
[REDACTED]
6. The identity of informants, and other information sources, will be strictly controlled to protect against

unwarranted disclosure which could expose an informant to retaliation and/or jeopardize an ongoing investigation.

A series of 10 horizontal black bars of varying lengths, decreasing in size from left to right. The bars are positioned in a descending staircase pattern, with each bar's right edge aligned with the left edge of the bar to its right. The first bar is the longest, and the tenth bar is the shortest. The bars are set against a white background.

C. The Use of Persons on Probation or Parole as Confidential Informants

1. The Wisconsin Department of Corrections, Division of Probation and Parole maintains a strict protocol regarding the use of persons under their supervision being used as Confidential Informants.

c. The decision of the Regional Chief is final.

D. General Guidelines for Handling a CI

1. Every CI is required to read, or have read to them, the South Milwaukee Police Department Statement of Understanding Form. They are then to sign the form and abide by the rules as they are specified on this form.
2. All officer-informant relationships will be maintained on a "strictly business" basis. No member of the South Milwaukee Police Department shall knowingly maintain a social relationship with any CI while off duty, or otherwise become personally involved with a CI. Members of the South Milwaukee Police Department shall not solicit, accept gratuities or engage in any private business transaction with a CI.
3. All contacts with the CI shall be documented [REDACTED]

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4. Whenever possible, an officer shall be accompanied by at least one other officer when meeting with a CI.
5. Juveniles shall only be utilized as a CI in accordance with state laws pertaining to juveniles, and after obtaining a parental waiver.
6. Under no circumstances will an officer permit, encourage, or tolerate an informant's involvement in illegal acts.

VI. EFFECTIVE DATE

The effective date of this order is April 17, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-32

INDEX AS: Bloodborne Pathogens Exposure
Exposure Control Plan

REPLACES: G.O. 17-21
EFFECTIVE: 03-25-17

WILEAG:

SUBJECT: Bloodborne Pathogens Exposure Control Plan

PURPOSE: The purpose of this Exposure Control Plan is to eliminate or minimize employee occupational exposure to blood or certain other body fluids; and to comply with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030.

POLICY: The policy of the South Milwaukee Police Department is consistent with the *City of South Milwaukee Policy Bloodborne Pathogen Exposure Control Plan Policy Number 05-03*.

The effective date of this order is April 17, 2020.

William R. Jessup
Chief of Police

Addendum A:
City of South Milwaukee Policy 05-03

POLICY NO: 05-03

ADOPTED: December 20, 2005

City of South Milwaukee

Bloodborne Pathogens Exposure Control Plan

City of South Milwaukee

Bloodborne Pathogens Exposure Control Plan

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Bloodborne Pathogens Exposure Control Plan

City of South Milwaukee

In accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030 and COMM Code 32.50, the following exposure control plan has been developed for the City of South Milwaukee.

I. PURPOSE

The purpose of this exposure control plan is to:

- A. Eliminate or minimize employee occupational exposure to blood or certain other body fluids;
- B. Comply with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030.

II. EXPOSURE DETERMINATION

OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective equipment). This exposure determination is required to list all job classifications in which all employees may be expected to incur such occupational exposure regardless of frequency. See Appendix B for a listing of these job classifications (Category I) for the City of South Milwaukee.

In addition, OSHA requires a listing of job classifications which are considered “at risk” due to job associated tasks and procedures which may result in occupational exposure to blood or other potentially infectious materials. These job classifications (Category II), and the related job associated tasks and procedures are also listed in Appendix B.

III. METHOD OF COMPLIANCE

OSHA requires that this plan include a schedule and method of implementation for the various requirements of the standard. The following complies with this requirement:

A. Universal Precautions

Universal Precautions is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne diseases. Universal Precautions will be observed at ALL times by City of South Milwaukee employees regardless of the perceived status of the source individual in order to prevent or minimize contact with blood or other potentially infectious materials.

B. Engineering and Work Practice Controls

Engineering and Work Practice Controls are designed to eliminate or minimize employee exposure. Engineering controls are examined and maintained or replaced when an exposure incident occurs in the City and on a regular schedule. The schedule for reviewing the effectiveness of the controls is as follows:

Daily – By Administrative Supervisors

Monthly – By Department Head

The Department Head/Supervisor will ensure effective implementation of these recommendations.

All supervisors are to ensure that employees follow the “Engineering and Work Practices”.

An exposure incident is defined as contact with blood or other potentially infectious materials on an employee’s non-intact skin, eye, mouth, other mucous membrane or by piercing the skin or mucous membrane with a contaminated sharp object, such as needle sticks.

An “Exposure Incident Reporting Form” shall be completed each time an exposure incident occurs (See Appendix C).

1. Hand Washing

- a. The City shall provide hand washing facilities which are readily accessible to employees. Alcohol containing antiseptic hand sanitizing wipes, bactericidal washes or an equivalent may be used where soap and water are not readily available.
- b. Supervisors shall ensure that employees wash hands or any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
- b. Supervisors shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves

or other personal protective equipment. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

2. Housekeeping and Waste Procedures
 - a. The City shall ensure that the worksite is maintained in a clean and sanitary condition.
 - b. All equipment, materials, environmental and working surfaces, vehicles, and facilities shall be cleaned and decontaminated after contact with blood or other potentially infectious materials. A Bloodborne Pathogen Clean Up Kit (containing absorbent powder, scoop, absorbent towels, disposable latex gloves or equivalent, disinfectant, towelettes and a biohazard waste bag) will be available at every recreation site and in each City of South Milwaukee vehicle.
 - I. When performing decontamination procedures employees shall wear appropriate personal protective equipment to include, at a minimum, disposable gloves. Other personal protective equipment (e.g. protective eyewear, impermeable coveralls, etc.) shall be used when circumstances require additional protective measures.
 - II. Blood spills and other potentially infectious materials shall be cleaned up first with disposable towels followed by a cleaning of the contact area with a freshly prepared 1 to 10 household bleach solution (1 part bleach + 9 parts water) or other approved tuberculocidal disinfectant.
 - III. “Spot Contamination” (the presence of a few drops of blood or other potentially infectious material) can be cleaned up with disinfectant towelettes or paper towels saturated with an approved disinfectant. City vehicles, facilities, and non-disposable equipment which are “spot contaminated” shall be cleaned up as soon as feasible by designated department personnel or City of South Milwaukee maintenance personnel.
 - IV. Vehicles, facilities, and non-disposable equipment which are contaminated shall be decontaminated by designated department personnel or City of South Milwaukee maintenance personnel.
- IV. Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental

surfaces, shall be removed and replaced as soon as feasible when they become contaminated with blood or OPIM (Other Potentially Infectious Materials).

- c. The designated City of South Milwaukee maintenance personnel shall respond immediately to any major blood or OPIM incident so that it can be cleaned, decontaminated, and removed immediately. (A major blood or OPIM incident is one which there will be biohazardous material for disposal or when there are contaminated sharps – see letter “e” below.)
- d. Contaminated cleaning materials shall be placed in approved biohazard bags for proper disposal. Cleaning materials (i.e. mops, towels, etc.) which have been used but not contaminated by blood or other potentially infectious materials require no special disposal considerations.
- e. Broken glass contaminated with blood or OPIM shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps. Contaminated sharps, broken glass, plastic or other sharp objects shall be placed into appropriate sharps containers for proper disposal.
- f. Disposable contaminated materials (i.e. gloves, paper towel, disinfectant towelettes, and bandages) shall be placed in approved biohazard disposal bags and disposed of at the City of South Milwaukee Fire Department. Disposable materials such as gloves which have been used but not contaminated by blood or other infectious materials require no special disposal considerations.
- g. Contaminated laundry/clothing shall be handled as little as possible. Gloves must be worn when handling contaminated laundry/clothing. Contaminated clothing shall be removed immediately or as soon as feasible and replaced with fresh clothing, after thoroughly cleaning the skin. An employee whose clothing becomes contaminated shall file a report which lists the item(s) of clothing that have been contaminated, and whether the item(s) have been damaged and need to be replaced. All contaminated clothing shall be placed in an approved biohazard disposal bag and an identification tag with the name and the location of the contamination (e.g. blood biohazard bags containing contaminated items of clothing shall be transported to the City of South Milwaukee’s designated cleaners as soon as possible). The City will clean, decontaminate and return serviceable items at no cost to the employee.

Contaminated clothing should not be taken home for laundering.

C. Personal Protective Equipment

1. Where occupational exposure can occur in spite of institution of engineering and work controls, personal protective equipment shall be used. At every recreation site and within all City of South Milwaukee vehicles, a Bloodborne Pathogen Clean Up Kit will be provided.
 - a. Gloves will be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; and when handling or touching contaminated items or surfaces.
 - b. Disposable gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be washed or decontaminated for re-use. Disposable gloves shall be removed inside out, with the contaminated side not exposed.
 - c. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.
 - d. If circumstances warrant the wearing of other than disposable gloves (e.g. leather or cotton gloves), disposable gloves shall be worn underneath for added protection.
 - e. Where a single pair of gloves may be damaged and unable to provide adequate protection, more than one pair of gloves shall be worn to protect against exposure.
 - f. Masks, protective eye goggles and protective disposable coveralls shall be worn when blood or body fluids may be splashed or splattered.
 - g. An authorized barrier/resuscitation device with an isolation valve shall be used whenever CPR or mouth-to-mouth resuscitation is performed. The mask is intended for one time use and shall be properly disposed of after use. Replacement equipment is available at City Hall.
 - h. Appropriate protective clothing shall be worn in occupational exposure situations. The type and characteristics shall depend upon the task, location, and degree of exposure anticipated.

- i. Employees shall not smoke, eat, drink, handle contact lenses or apply makeup in any contaminated area or when wearing protective gloves.
2. The City of South Milwaukee shall ensure that appropriate personal protective equipment is readily accessible at the worksite or is issued to the employees.
 - a. All work locations where occupational exposure to blood or body fluids can be reasonably anticipated shall have an adequate amount of communicable disease control supplies and personal protective equipment stored in a convenient location.
 - b. The City of South Milwaukee shall clean, launder and dispose of personal protective equipment, at no cost to the employee.
 - c. The City of South Milwaukee shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.
3. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment/supplies are removed they shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
4. If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately, or as soon as feasible, and the person should shower. The garment should be bagged and taken to the maintenance department where it can be properly laundered.
5. The City of South Milwaukee shall ensure that the employees use appropriate personal protective equipment. If an employee temporarily and briefly declines to use personal protective equipment because it is in his or her judgement that in that particular instance it would have posed an increased hazard to the employee or others, the City shall investigate and document the circumstances in order to determine whether changes can be instituted to prevent such occurrences in the future.

IV. HEPATITIS B VACCINATION

A. General

1. The City of South Milwaukee will make available the Hepatitis B vaccination series to all employees who have occupational exposure (Category I Employees – Appendix B), and

2. Post-exposure follow-up to employees who have had an exposure incident.
2. The City shall ensure that all medical evaluations and procedures including the Hepatitis B vaccination series and post exposure follow-up, including prophylaxis are:
 - a. Conducted within 24 hours of the exposure (immediately if HIV is of concern);
 - b. Made available at no cost to the employee;
 - c. Made available to the employee at a reasonable time and place;
 - d. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional;
 - e. Provided according to the recommendations of the U.S. Centers for Disease Control and Prevention.
 - f. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee and shall include testing for HIV, Hepatitis B and C. Testing will continue for 6 months to 1 year with exposure to these diseases.
 - g. Testing of exposure source for HIV, Hepatitis B and C will be done, if the source is known and available for testing.
 - h. Chemoprophylaxis using up to 3 drugs will be utilized if significant exposure to HIV has occurred.

B. Hepatitis B Vaccination

1. The City of South Milwaukee is in charge of the Hepatitis B vaccination program.
2. Hepatitis B vaccination shall be made available after the employee has received the training in occupational exposure (see information and training) and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed the employee is immune, or the vaccine is contraindicated for medical reasons.
3. Participation in a pre-screening program shall not be a prerequisite for receiving Hepatitis B vaccination.
4. If the employee initially declines Hepatitis B vaccination but at a later date, while still covered under the standard, decides to accept the vaccination, the vaccination shall then be made available.

5. All employees who decline the Hepatitis B vaccination shall sign the OSHA required waiver indicating their refusal (See Appendix D).
6. If a routine booster dose of Hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster doses shall be made available.

C. HIV Post Exposure Prophylaxis

1. If a significant exposure occurs and the source individual is known HIV positive or has a history of high risk behaviors (IV drug user, male having sex with male, multiple sex partners, etc...) then immediate post exposure follow-up is needed.
2. According to new CDC guidelines for post exposure prophylaxis, one to three medications can be prescribed by an Infectious Disease Physician. Prophylaxis will be recommended for significant exposure but is not mandatory.
3. The new protocols must be initiated ASAP, preferably within 2 hours.
4. If the exposed worker consents to baseline blood collection for HIV, but does not give the consent for HIV testing, the sample can be preserved for 90 days. If during that time, the employee gives written consent for HIV testing it will be completed.

D. Hepatitis C Testing

1. There is no recommended prophylaxis.
2. Follow up testing for HCV is done at 3, 6, and 12 months for those employees exposed to Hepatitis C positive patients.

V. POST-EXPOSURE EVALUATION AND FOLLOW-UP

A. Exposure Incident Procedures

1. All exposure incidents shall be reported, investigated, and documented. When the employee incurs an exposure incident, the following procedures shall be followed (see Appendix D – “Exposure Incident Checklist”):

- a. Exposed Individuals Responsibilities
 - I. Report “exposure incident” as soon as feasible to a supervisor.
 - II. Obtain appropriate post-exposure medical treatment. The initial post-exposure medical evaluation should be at St. Luke’s South Shore emergency room at 5900 S. Lake Drive, Cudahy.
 - III. Complete “Follow Up of Employee Exposure to Blood/Body Fluid” form (Appendix G) prior to or during evaluation by a health care professional.
 - IV. The attending physician completes the “Health Care Professional Written Opinion Post Exposure Follow Up” form (Appendix G).
 - V. Complete an “Exposure Incident Reporting Form” (See Appendix C) containing a detailed account of the nature and circumstances of the exposure to include the route of exposure and whether or not personal protective equipment was being utilized. If personal protective equipment was not used, indicate the reason.
 - b. Supervisor’s Responsibility
 - I. Ensure that the employee reported to the St. Luke’s South Shore emergency room and that necessary forms are completed.
 - II. Review the exposed member’s narrative account of the exposure incident to ensure that it includes all necessary information. In instances where the employee was not wearing personal protective equipment, investigate to confirm that the failure to wear personal protective equipment was justified by unexpected or uncontrollable circumstances.
 - III. Review all paperwork and submit to Department Head.
 2. Any employee who has an exposure incident will be offered post-exposure evaluation and follow-up in accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030. All post exposure follow-up will be performed by St. Luke’s South Shore hospital.

B. Following a report of an exposure incident, the City shall make immediately available to the exposed employee a confidential medical examination and follow-up, including at least the following elements: (See Appendix F)

1. Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;
2. Identification and documentation of the source individual, if possible, or unless it can be established that identification is infeasible or prohibited by state or local law;
 - a. The source individual's blood shall be tested as soon as feasible after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the City of South Milwaukee shall establish that legally required consent cannot be obtained.
 - b. Results of the source individual's testing shall be made available to the exposed employee only after consent is obtained, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
3. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained. If the employee consents to baseline blood collection, but does not consent at the time for HIV serological testing, the sample shall be preserved for at least 90 days. If within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

C. Information Provided to the Health Care Professional

1. The City of South Milwaukee shall ensure that the health care professional responsible for the employee's Hepatitis B vaccination is provided with the following:
 - a. A copy of 29 CFR 1910.1030;
 - b. A written description of the exposed employee's duties as they relate to the exposure incident;
 - c. Written documentation of the route of exposure and circumstances under which the exposure occurred;
 - d. Results of the source individual's blood testing, if available;
 - e. All medical records relevant to the appropriate treatment of the employee including vaccination status.

D. Health Professional's Written Opinion

1. The City of South Milwaukee shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within 15 days of the completion of the evaluation (Appendix G).

2. The health care professional's written opinion for HBV vaccination shall be limited to whether HBV vaccination is indicated for an employee, and if the employee has received such vaccination.
3. The health care professional's written opinion for post exposure follow-up shall be limited to the following information:
 - a. A statement that the employee has been informed of the results of the evaluation; and
 - b. A statement that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
 - c. All other findings or diagnosis shall remain confidential and shall not be included in the written report.

VI. COMMUNICATION ABOUT HAZARDS TO EMPLOYEES

- A. Labels and Signs
 1. The City of South Milwaukee shall ensure that biohazard labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious materials, and other containers used to store, transport or ship blood or other potentially infectious materials.
 2. The universal biohazard symbol shall be used. The label shall be fluorescent orange or orange-red.
 3. Red bags or containers may be substituted for labels. However, regulated wastes must be handled in accordance with the rules and regulations of the organization having jurisdiction.
- B. Information and Training
 1. The City of South Milwaukee shall ensure that all employees with potential for occupational exposure participate in a training program at no cost to employees.
 2. The City of South Milwaukee and/or applicable supervisors shall ensure that training is provided at the time of initial assignment to tasks when occupational exposure may take place and at least annually thereafter.
 - a. For employees who have received training on bloodborne pathogens in the year preceding the effective date of this

standard, only training with respect to the provisions of the standard which were not included need be provided.

- b. Annual training for all employees with potential for occupational exposure shall be provided within one year of their previous training.
3. The City of South Milwaukee shall provide additional training when changes such as modifications of tasks or procedures affect the employee's potential for occupational exposure. The additional training may be limited to addressing the new exposures created, or new protocols or protection to be implemented.
4. Material appropriate in content and vocabulary to educational level, literacy and language of employees shall be used. (Appendix H contains the required minimum content for trainings.)
5. The person conducting the training shall be knowledgeable in subject matter covered by the elements contained in the training program, as it relates to the workplace.

VII. RECORDKEEPING

A. Medical Records

1. The City shall establish an accurate medical record for each employee with occupational exposure, which will be kept at City Hall, 2424 15th Avenue, and shall include (See Appendix I):
 - a. Name and social security number of employee;
 - b. Copy of employee's hepatitis B vaccination record or declination form and any additional medical records relative to hepatitis B;
 - c. If exposure incident(s) have occurred, a copy of all results of examinations, medical testing, and follow-up procedures;
 - d. If exposure incident(s) have occurred, City's copy of the health care professional's written opinion;
 - e. If exposure incident(s) have occurred, City's copy of information provided to the health care professional: i.e. exposure incident investigation form and results of the source individual's blood testing, if available and consent has been obtained for release.
2. The City of South Milwaukee shall ensure that the employee's medical records are kept confidential and are not disclosed or reported without the employee's expressed written consent to any person within or outside of the City, except as required by law.

These medical records shall be kept separate from other personnel records.

3. These medical records shall be maintained for the duration of employment plus 30 years.

B. Training Records (See Appendix H)

1. The City of South Milwaukee is responsible for maintaining training records which shall include:
 - a. The date of the training session;
 - b. The contents or a summary of the training sessions;
 - c. The names and qualifications of persons conducting the training;
 - d. The name and job titles of all persons attending the training session.
2. Training records shall be maintained for three years from the date the training occurred.

C. Availability of Records

1. The City of South Milwaukee shall ensure:
 - a. All records required to be maintained by this standard shall be made available upon request to Department of Commerce (or designee) for examination and copying.
 - b. Employee training records required by this standard shall be provided upon request for examination and copying to employees, to employee representatives, and to the Department of Commerce (or designee).
 - c. Employee medical records required by this standard shall be provided upon request for examination and copying to the subject employee and/or designee, to anyone having written consent of the subject employee and to the Department of Commerce.
2. The City of South Milwaukee shall comply with the requirements involving the transfer of records set forth in this standard.

VII. EVALUATION AND REVIEW

It shall be the responsibility of the City of South Milwaukee to review and update this Exposure Control Plan at least annually and whenever necessary to reflect new or modified tasks, procedures or protocols, which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

Appendix A

City of South Milwaukee DEFINITIONS FOR THE PURPOSES OF THE EXPOSURE CONTROL PLAN

Antibody	A substance produced in the blood of an individual which is capable of producing a specific immunity to a specific germ or virus.
Amniotic Fluid	The fluid surrounding the embryo or fetus, in the mother's womb.
Antigen	Any substance which stimulates the formation of an antibody.
Assistant Secretary	The assistant Secretary of Labor for Occupational Safety and Health, or designated representative.
Biohazard Label	A label affixed to containers of regulated waste, refrigerators/freezers and other containers used to store, transport or ship blood and other potentially infectious materials. The label must be fluorescent orange-red in color with the biohazard symbol and the word biohazard on the lower part of the label.
Blood	Human blood, human blood components, and products made from human blood.
Bloodborne Pathogens	Pathogenic (disease producing) microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to Hepatitis B virus (HBV) and Human Immunodeficiency Virus (HIV).
Cerebrospinal Fluid	A clear, colorless fluid surrounding the brain and spinal cord. It can be withdrawn by performing a spinal puncture.
Clinical Laboratory	A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.
Contaminated	The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
Contaminated Laundry	Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharp	Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, capillary tubes, and the exposed ends of dental wires.
Decontamination	The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.
Engineering Controls	Controls (i.e. sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.
Exposure Control Plan	A written program developed and implemented by the employer which sets forth procedures, engineering controls, personal protective equipment, work practices and other methods that are capable of protecting employees from exposures to bloodborne pathogens, and meets the requirements spelled out by the OSHA Bloodborne Pathogens Standard.
Exposure Determination	How and when occupational exposure occurs and which job classification and/or individuals are at risk of exposure without regard to the use of personal protective equipment.
Exposure Incident	A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
Hand Washing Facilities	A facility providing an adequate supply of running potable water, soap and single use towels, medicated towelettes or hot air drying machines.
HBV	Hepatitis B Virus
HCV	Hepatitis C Virus
HIV	Human Immunodeficiency Virus
Licensed Health Care Professional	A person whose legally permitted scope and practice allows him or her to independently perform the activities required by paragraph (f) of the standard: Hepatitis B vaccination

and post exposure evaluation and follow-up. (In Wisconsin only a licensed physician meets this definition.

Medical Consultation

A consultation which takes place between an employee and a licensed health care professional for the purpose of determining the employee's medical condition resulting from exposure to blood or other potentially infectious materials, as well as any further evaluation or treatment that is required.

Mucous

A thick liquid secreted by glands, such as those lining the nasal passages, the stomach and intestines, the vagina, etc.

Mucous Membranes

A surface membrane, composed of cells, which secretes various forms of mucous, as in the lining of the respiratory tract and the gastrointestinal tract, etc...

Occupational Exposure

A reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

OSHA

The Occupational Safety and Health Administration of the U.S. Department of Labor; the Federal agency with safety and health regulatory and enforcement authorities for most U.S. industry and business.

Other Potentially Infectious Materials (OPIM)

(1) The following human body fluids; semen, vaginal secretions, menstrual blood, vomit, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Parenteral

Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Pathogen

A bacteria or virus capable of causing infection or disease.

Pericardial Fluid	The clear straw-colored serous fluid secreted by the cells of the peritoneum.
Peritoneum	The living membrane of the abdominal (peritoneal) cavity. It is composed of a thin layer of cells.
Personal Protective Equipment	Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (i.e. uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment. Personal protective equipment may include, but is not limited to, gloves, gowns, laboratory coats, face shields, masks, eye protection equipment, mouthpieces, resuscitation bags, pocket masks or other ventilation devices. Personal protective equipment will be considered “appropriate” only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membrane under normal conditions of use and for the duration of time which the protective equipment is used.
Pleural	The membrane lining the chest cavity and covering the lungs. It is made up of a thin sheet of cells.
Pleural Fluid	Fluid from the pleural cavity.
Production Facility	A facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.
Prophylaxis	The measures carried out to prevent diseases.
Regulated Waste	Liquid or semi-liquid blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
Research Laboratory	A laboratory producing or using research laboratory scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

Serous Fluids	Liquids of the body, similar to blood serum, which are in part secreted by serous membranes.
Source Individual	Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.
Sterilize	The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.
Synovial Fluid	The clear amber fluid usually present in small quantities in a joint of the body (i.e. knee, elbow).
Universal Precautions	An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
Vascular	Pertaining to or composed of blood vessels.
Work Practice Controls	Controls that reduce the likelihood of exposure by altering the manner in which the task is performed.

Appendix B

CITY OF SOUTH MILWAUKEE
OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS
JOB CLASSIFICATIONS AND ASSOCIATED TASKS/PROCEDURES

Appendix B

ASSOCIATED TASKS AND PROCEDURES

A list of tasks and procedures performed by employees in the above job classifications in which exposure to bloodborne pathogens may occur is required. Tasks/procedures may include, but are not limited to, the following examples:

1. Care of minor injuries that occur, i.e. bloody nose, scrape, minor cut;
2. Initial care of injuries that require medical or dental assistance, i.e. damaged teeth, broken bone protruding through the skin, severe laceration;
3. Care of individuals who need assistance in daily living skills, i.e. toileting, dressing, hand washing, feeding and menstrual needs;
4. Care of individuals who exhibit behaviors that may injure themselves or others, i.e. biting, hitting, and scratching;
5. Care of injured person during a sport activity;
6. Cleaning tasks associated with body fluid spills including decontaminating facilities or vehicles contaminated with blood or other potentially infectious materials.

Appendix C

City of South Milwaukee EXPOSURE INCIDENT REPORTING FORM

Date of Incident: _____

Time of Incident: _____

Location: _____

Person(s) Involved: _____

Potentially Infectious Materials Involved: Type: _____

Source: _____

Circumstances (what was occurring at the time of the incident):

How was the incident caused (accident, equipment malfunction, etc. List any tool, machine or equipment involved):

Personal protective equipment being used at the time of the incident:

Actions taken (decontamination, clean-up, reporting, etc.):

Recommendations for avoiding repetition of incident:

Completed by: _____

Date: _____

Appendix D

City of South Milwaukee

BLOODBORNE PATHOGEN – VACCINATIONS

Declination Statement:

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to me. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Signature

Date

Appendix E

City of South Milwaukee BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

EXPOSURE INCIDENT CHECKLIST

EMPLOYEE

- _____ Report exposure incident to your supervisor.
- _____ Obtain post-exposure medical treatment at _____.
- _____ Physician to fill out "Health Care Professional Written Opinion Post Exposure Follow Up" (Appendix G).
- _____ Employee to fill out "Follow Up of Employee to Blood/Body Fluid" (Appendix F).
- _____ Write report describing the incident.

SUPERVISOR

- _____ Review City Policy, Bloodborne Pathogens Exposure Control Plan.
- _____ Fill out the necessary Worker's Compensation forms.
- _____ Attempt to persuade the source individual to consent to testing for HIV and HBV (Document efforts in report).
- _____ Ensure that the employee responded to the _____, and that the necessary forms are completed.
- _____ Review the paperwork and submit to Department Head.

Appendix F

City of South Milwaukee FOLLOW UP OF EMPLOYEE EXPOSURE TO BLOOD/BODY FLUIDS

TO BE FILLED OUT BY EMPLOYEE (SECTIONS I & II PRIOR TO OR DURING EVALUATION BY HEALTH CARE PROFESSIONAL)

EMPLOYEE TO INITIAL APPLICABLE SECTIONS

I believe that I received exposure to blood or potentially infectious body fluid. I wish to have the source individual tested for the presence of HIV or Hepatitis B.

I understand that the information linking the source individual's identity and blood test results is protected as confidential under State law, and that I may not disclose the identity of the source individual to any other person except for the purpose of having this test performed.

I understand that I may have a baseline blood sample taken on myself at this time. The sample can be tested for HIV at this time, or it can be held by the lab for as long as 90 days in case I elect to have HIV testing done in the future. After 90 days the sample will be destroyed.

THE EMPLOYEE WILL SELECT ONE OF THE THREE OPTIONS LISTED BELOW:

I want to have my blood sample drawn and tested for HIV at this time.

I want to have my blood sample drawn at this time and saved for possible testing within 90 days.

I do not wish to have a baseline blood sample drawn.

TO BE READ AND INITIALED BY THE EMPLOYEE:

I have been instructed in the signs and symptoms of illnesses which may result from exposure to individuals infected with HIV or Hepatitis, and the ways in which I may prevent the spread of these conditions during contacts at or away from work.

I have been informed of the results of the evaluation done by a Health Care Professional.

I have been told about the signs and symptoms which should be reported to my personal physician.

Signed: _____

Date: _____

Appendix G

City of South Milwaukee
HEALTH CARE PROFESSIONAL WRITTEN OPINION
POST EXPOSURE FOLLOW UP EVALUATION

**TO BE FILLED OUT BY HEALTH CARE PROFESSIONAL AFTER 2ND VISIT AND
RETURNED TO THE CITY OF SOUTH MILWAUKEE.**

I saw _____(patient name) for a post blood/body fluid exposure evaluation on _____(date).

The employee has _____ has not _____ been informed of the results of the evaluation.

The employee has _____ has not _____ been told about any medical conditions which could result from the exposure incident to blood or other potentially infectious materials which require further evaluation or treatment.

_____ It is my recommendation that the Hepatitis B vaccine be given to this employee.
Vaccination received _____(date).

_____ Based on the information available to me in confidential medical record, I do not recommend the Hepatitis B vaccine at this time.

Signed: _____

Print Name: _____

Address: _____

Date: _____

A signed copy of this written opinion was given to the above named employee on
_____ (date).

Appendix H

City of South Milwaukee INFORMATION AND TRAINING OF EMPLOYEES WITH POTENTIAL EXPOSURE TO BLOODBORNE PATHOGENS

Date(s) of Training: _____

Trainer(s) Name and Qualifications: _____

Name and Job Titles of all Employees Attending This Training: (Attach separate page)

Agenda and/or Materials Presented to Training Participant Include:

- _____ An accessible copy of the text of the OSHA Standard.
- _____ A general explanation of the epidemiology and symptoms of bloodborne diseases.
- _____ An explanation of the modes of transmission of bloodborne pathogens (namely, Hepatitis B, Hepatitis C and HIV)
- _____ An explanation of the exposure control plan and the means by which employees can obtain a copy of the written plan.
- _____ An explanation of the appropriate methods for recognizing tasks/activities that may involve exposure to blood and other potentially infectious materials.
- _____ An explanation of the use and limitations of methods that will prevent or reduce exposure: i.e. engineering controls, work practices, and personal protective equipment.
- _____ Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment or other contaminated items.
- _____ An explanation of the basis for selection of personal protective equipment.
- _____ Information on the HBV vaccine, its efficacy, safety, method of administration, benefits of vaccination, and provision at no cost to the employee.
- _____ Information on the appropriate actions to take and persons to contact in an emergency involving blood and other potentially infectious materials.
- _____ An explanation of the procedure to follow if an exposure incident occurs, the method of reporting, and the medical follow-up that is available.
- _____ Information on the post-exposure evaluation and follow-up that is provided.
- _____ An explanation of the signs, symbols, and color-coding of biohazards.
- _____ A question and answer session between the trainer(s) and employee(s).
- _____ Provision of a list of contacts that can be resources to the employees if they have questions after training.

Signature of Trainer: _____ Date: _____

Appendix I

City of South Milwaukee EMPLOYEE MEDICAL RECORD CHECKLIST

NAME: _____

SOCIAL SECURITY NUMBER: _____

JOB CLASSIFICATION: _____

_____ Copy of employee's Hepatitis B Vaccination record or declination form. Attach any additional medical records relative to Hepatitis B.

_____ Brief Description of Exposure Incident: _____

_____ Log and attach the City's copy of information provided to the health care professional:

_____ Exposure Incident Report Form

_____ Results of the source individual's blood testing, if available.

_____ Log and attach the City's copy of the health care professional's written opinion.



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-31

INDEX AS: Crime Scenes
Major Crime Scenes

REPLACES: G.O. 16-09
EFFECTIVE: 02-16-2016

WILEAG: 1.7.3, 6.3.3, 6.3.4, 11.1.1, 11.1.2, 11.1.3, 11.1.8, 11.2.1

SUBJECT: Roles and Responsibilities at Major Crime Scenes

PURPOSE: It is the responsibility of the South Milwaukee Police Department to respond to and investigate crime scenes. It is crucial to the proper outcome of the case that officers at the scene act properly to preserve and collect information and evidence, which leads to the arrest, and conviction of the suspect(s) in the case.

The purpose of this General Order is to establish guidelines to follow in the event of a serious crime occurrence, such as suspicious deaths, incidents of great bodily harm, burglaries involving great monetary loss, armed robbery, etc. It is important to remember that the first officer at the crime scene has a very vital role in the successful outcome of the case.

This order consists of the following numbered sections:

- I. RESPONSIBILITIES OF THE FIRST OFFICER ON THE SCENE
- II. EQUIPMENT AND METHODS FOR PRESERVATION AND COLLECTION OF EVIDENCE
- III. REQUIRED DOCUMENTATION AND RECORDING OF THE SCENE

IV. TRAINING OF OFFICERS INVOLVED IN THE INVESTIGATION

V. EFFECTIVE DATE

I. RESPONSIBILITIES OF THE FIRST OFFICER(S) ON THE SCENE

A. After the dispatch, and prior to the arrival on scene, responding officers should be aware of suspicious activities involving the location of the scene.



B. The three primary concerns of police at a crime scene; in this order are:

1. Preserve life
2. Arrest suspect(s)
3. Protect the crime scene

C. The primary officer arriving at the scene shall take control of the scene and be responsible for its preservation. They shall assign tasks to other responding officers and shall be in control of the scene until relieved of this responsibility by a supervisor. Throughout the entire event, there shall be one officer in charge and that officer is responsible for ensuring that their assigned tasks have been accomplished.

D. On arrival at the scene, the officer(s) first need to clear the scene and make it safe. A check on the victim(s) to determine their condition needs to be made after the scene is cleared. If medical help is needed, the victim(s) need to be removed from the scene with as little scene disturbance as possible. The officer or supervisor on scene must be cognizant of any necessary disturbances made and note them.

E. If a known suspect(s) is on scene, that suspect(s) is to be removed from the scene immediately either by arrest or detention for questioning as deemed appropriate by the

officer in charge. The officer in charge per section I.C. above shall determine who will interrogate the suspect(s) and when.

- F. Protection of the crime scene: the officer in charge is to assess the situation or extent of the scene and protect it by means available to them (e.g., crime line ribbon or posting an officer at the entrance to the scene). An officer is to be assigned to document officer's entry and exit of the scene. A log sheet made by this officer is to contain the name of the person entering the scene, the time they entered and the time they left the scene, the agency they represent and the reason for their appearance at the scene.
- G. If the scene has been cleared, and there is an expectation of the arrival of a suspect(s) at a later time, the officer in charge shall assign an officer(s) to surveillance of the scene in an attempt to apprehend the suspect(s).
- H. The supervisor or officer in charge at the scene shall cause an investigator(s) to be called either to the scene using an on-duty investigator or by use of the investigator call-in list maintained in the Communications Center.

II. EQUIPMENT AND METHODS OF PRESERVATION AND COLLECTION OF EVIDENCE

- A. The squad assigned to the Investigations Section of the Department is to contain sufficient equipment to supply Investigators on scene with tools and packing equipment to properly process a crime scene. Maintaining this supply is the responsibility of the Investigations Section Supervisor or his/her designee.
- B. Physical Evidence shall be handled as described in the CRIMINAL INVESTIGATION AND PHYSICAL EVIDENCE HANDBOOK that is printed and distributed by the Wisconsin Department of Justice and Crime Laboratory Bureau (available on WILENET). At a major crime scene, materials from a known source must be collected for possible future comparisons by the crime laboratory. Items of evidence shall be tagged and labeled as per General Order ADM-4: Evidence & Property Control.

- C. The officer in charge shall assign an officer to ensure that evidence is submitted to the crime laboratory in a timely manner.

- III. REQUIRED DOCUMENTATION AND RECORDING OF THE SCENE
 - A. Witnesses at the crime scene shall be identified and preliminary interviews conducted as soon as possible. The neighborhood of the scene shall be canvassed as soon as possible.
 - B. Photos of the crime scene are to be taken by one of the Department's trained police photographers. Times and dates of these photos are to be documented on the photographer's/ investigator's supplementary report. The scene may be videotaped also, but videotapes may not be taken in lieu of photos. If a major crime scene is not photographed, the reason for this inaction shall be documented in the report. Photos of items of evidence shall be taken with and without a scale in the photo.
 - C. A sketch of the crime scene shall be done by an officer who received Evidence Technician training. This sketch shall include, but not be limited to, locations where physical evidence was collected and removed for processing.
 - D. Officers and investigators conducting the preliminary and follow-up investigations shall complete appropriate reports and supplements as soon as possible. Officers are to complete these reports before leaving their tour of duty unless excused from this by the officer in charge of the investigation.
- IV. TRAINING OF OFFICERS INVOLVED IN THE INVESTIGATION
 - A. At a major crime scene, only officers who have received Evidence Technician training will be involved in actual handling and collection of evidence.
 - B. At a major crime scene, officers with training in police photography will be involved in photographing the scene. In addition, officers with Evidence Technician training shall sketch the scene.

V. EFFECTIVE DATE

The effective date of this order is August 8, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-27

INDEX AS: Constitutional Requirements

REPLACES: G.O. 16-10

EFFECTIVE: 02-16-2016

WILEAG: 1.7.2, 6.3.3, 6.3.6

SUBJECT: Constitutional Requirements

PURPOSE: The purpose of this General Order is to provide officers with legally sound procedures for conducting custodial interrogations.

This order consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURES

IV. EFFECTIVE DATE

I. POLICY

Custodial interrogations of suspects and the statements and confessions that are elicited are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel. Therefore, it is the policy of the Department that all officers understand and follow this policy in order to observe due process rights of suspects and to guard against any charges of police coercion or intimidation during interrogation.

II. DEFINITIONS

- A. Custody - A custodial situation exists when an officer tells a suspect that they are under arrest. A functionally equivalent situation exists when a “reasonable person” in the suspect’s position would feel that their freedom of action has been restricted to the same degree as a formal arrest. *Miranda* warnings are not required for a municipal ordinance violation arrest with no intention to change to a state charge.
- B. Interrogation - Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements or actions by officers that the officers would know are reasonably likely to elicit an incriminating response from the suspect.

III. PROCEDURES

A. Custodial Statements and Confessions.

1. *Miranda* warnings are required and shall be administered prior to “custodial interrogation”, as defined above.
2. The following represent examples of situations that are not “custodial” and do not require issuance of *Miranda* warnings.
 - a. Investigatory stop and frisk
 - b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins.
 - c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - d. During voluntary appearances at the police department.
 - e. When information or statements are made spontaneously, voluntarily and without

prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

B. Administering *Miranda*

1. *Miranda* warnings shall be read by officers from a South Milwaukee Police Department Constitutional Rights form (or a Wisconsin DOJ issued Constitutional Rights Card) to all persons subjected to custodial interrogation. Free-lancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used. After the statement is read, the officer shall go thru the questions on the waiver portion of the form.
2. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
 - a. Waivers of one or both of the *Miranda* rights must be performed affirmatively.
 - b. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate form.
3. Officers arresting deaf suspects shall notify their immediate supervisor. If the suspect indicates they are capable of communicating by writing officers may communicate with the suspect in this manner. If the suspect requests an interpreter, an interpreter must be provided. It should be noted many deaf/hearing impaired subjects do not know how to read, reading is considered a second language for them.
4. **Officers arresting non-English speaking suspects shall notify their immediate supervisor. If the officer believes that the suspect does not clearly**

understand and speak English, then the officers should seek an interpreter for the specific language that the subject speaks. This must be done prior to administering Miranda warnings to the suspect, prior to questioning. Officers may contact other police departments seeking an officer that speaks the suspect's language. Officers may also utilize "Language Line Services" at [REDACTED]. Officers shall notify their immediate supervisor of the Language Line.

5. When an officer is transporting or otherwise processing an arrested individual who has not been advised of their constitutional rights, and the party begins to volunteer information concerning the crime, the officer, before questioning, shall inform the individual of their constitutional rights.

[REDACTED]

6. Whenever an interrogation of a suspect is discontinued and restarted after a change in circumstances (change in interviewer, change in location, or an extended period of time has passed); the party will again be informed of their constitutional rights.

C. Invoking the Right to Silence

1. When a suspect invokes their right to remain silent, all interrogation shall terminate immediately.
2. Officers may interrogate a suspect who has previously invoked their right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.

D. Invoking the Right to Counsel

1. If a suspect waives their right to counsel, a waiver shall be obtained prior to questioning. When a

suspect makes reference to counsel but their intentions are unclear, officers may question the suspect further to clarify their intentions.

2. When a suspect invokes their right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crimes or by other officers (from this or other agencies) unless:
 - a. The suspect's attorney is present at the questioning; or
 - b. The suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtain before any questioning may take place. Officers shall also document, and, if possible, obtain written verification that the suspect initiated the communication.
3. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

E. Documenting and Recording Statements and Confessions

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to:
 - a. Location, date, time of day and duration of interrogations.
 - b. The identities of officers or others present.
 - c. Miranda warnings given, suspect responses and waivers provided, if any.
 - d. The nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes.

2. Officers are encouraged to use the department's video and audio taping capabilities for purposes of recording statements and confessions in an overt or covert manner consistent with state law. **All custodial interrogations of juveniles, 16 years and younger, will be electronically recorded where feasible, and without exception when the questioning occurs at a place of detention (State v. Jerrell CJ). All adult (17 years of age and older) custodial interrogations will be electronically recorded when the suspect has been arrested for a felony.**
3. Recordings designated as evidence shall be handled in the following manner.
 - a. The DVR is activated by the investigating, or assisting officer [REDACTED]
 - b. The investigating officer is responsible for download of the recordings from the DVR to the computer. The officer shall also ensure that the recordings are burned to CD/DVD. This CD/DVD shall be given an evidence number and stored in the evidence room. Additional copies may also be made for DA files.
4. When possible, written statements should be taken in all cases in which any confession or admission of guilt is obtained. Officers will utilize the Department's statement form or in some cases a text document typed on the computer. Each page of the statement will be signed by the person giving/making the statement. Any changes, corrections, or deletions to the statement will be initialed by the person giving/making statements. The statement will be dated, timed and location of statement documented by the officer receiving the statement.

F. Special Considerations

1. Persons arrested by the department who cannot make bail will be taken before a judge without unnecessary delay.

2. The department will ensure that pre-trial publicity does not tend to prejudice a fair trial.

IV. EFFECTIVE DATE

The effective date of this order is March 28, 2019.

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-37

INDEX AS: Sexual Assault Complaints

REPLACES: G.O. 17-38

EFFECTIVE: 11-16-2017

WILEAG:

SUBJECT: Sexual Assault Investigations

PURPOSE: The purpose of this General Order is to provide officers guidelines for investigating complaints of sexual assault as described within Chapters 940.22(5) and 948 of the Wisconsin State Statutes.

This order consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURES

IV. EFFECTIVE DATE

I. POLICY

Recognizing the intense and painful psychological and social pressures placed upon the victims of sexual assault, it shall be the policy of the South Milwaukee Police Department to approach the investigation of such offenses with great sensitivity for the victim. Therefore, it is the South Milwaukee Police Department's policy to provide victims of sexual assault with compassion and consideration. Investigators/officers shall remain sensitive to the needs and requests of the victim especially during critical stages such as gathering evidence, photographing injuries, and conducting interviews.

II. DEFINITIONS

All criminal offenses as defined by Wisconsin State Statutes relating to sexual assault. Investigating sexual assaults against juveniles should also incorporate General Order ORG-23: Child Abuse/Child Neglect.

III. PROCEDURE

A. Responsibilities of Telecommunicators:

The telecommunicator is frequently the first representative of the Police Department with whom victims come into contact with when they report being sexually assaulted. Their role, in the initial response, includes more than merely obtaining the name and address of the complaint. Telecommunicators shall accomplish the following when receiving a report of a sexual assault:

1. Ascertain the medical condition of the victim; dispatch an ambulance to the scene if there is a medical emergency.
2. If the alleged sexual assault was recently committed (within **120** hours) advise the victim not to change clothing, shower, or touch anything in the immediate crime scene area.
3. If possible, stay on the phone with the victim to provide assistance and comfort until a squad arrives on the scene.
4. Get the description or identity of the suspect if the suspect is known to the victim.

B. Responsibilities of the investigating officer: The initial responsibility of the investigating officer is to provide for the immediate needs of the victim.

1. Officers responding to a reported sexual assault shall accomplish the following:
 - a. Assess the victim's medical condition; if there are no life threatening/serious injuries wait to

summon an ambulance.

- b. Determine, if in fact, a sexual assault has occurred.
- c. Determine the jurisdiction in which the incident occurred.
- d. Preserve the most crucial source of evidence, the victim; have the victim remain in crime clothing, and ask the victim not to wash until a medical examination has been performed.
- e. Protect the crime scene and if necessary request the assistance of an Investigator / Evidence Technician.
- f. Get a detailed statement of the events from the victim, using tact and sympathy.
- g. Gather suspect information; apprehend if still at the crime scene. Provide dispatch with a description, direction of flight, and other information to facilitate the apprehension of the suspect.
- h. Request additional officers to conduct an area canvass for the suspect. Attempt to locate and interview other possible witnesses.
- i. Request the assistance of an Investigator or Evidence Technician. If an Investigator is unavailable to investigate the incident, the first responding officer, with the assistance of other shift officers, will conduct the investigation and evidence collection.

- 2. The responding officer shall be responsible for the completion of the offense report.

C. Sexual Assault Cases Involving Juvenile Victims (See General Order ORG 23: Child Abuse and Neglect):

- a. If the victim is a juvenile notify the victim's parents and/or guardian, unless the parent or

guardian is a suspect.

- b. If the victim is a juvenile and one or more of the following circumstances apply then a forensic videotaped interview of the child is desired:
 - (1). Victim is verbal and 3.5 - 12 years old
 - (2). Recantation is likely
 - (3). There is a non-believing caretaker
 - (4). Intra-familial abuse
 - (5). Multi-offender cases
 - (6). Victim has a sexually transmitted disease for which there is no other obvious explanation aside from sexual abuse.
 - (7). Disabled victim
 - (8). High profile cases
 - (9). Imminent exposure to the alleged offender
 - (10). Any other child victim aged 12 or above (as needed) when determined by the Investigator.

In these types of cases the Investigator/officer will make arrangements to have a trained forensic interviewer from the Milwaukee Child Advocacy Center (MCAC) do a videotaped forensic interview of the child as soon as possible. The original assigned officer will retain case ownership and will witness the forensic interview when possible. If that officer cannot witness the interview then another officer will be sent to witness the interview. The original case officer is also responsible for notifying the Division of

Milwaukee Child Protective Services (DMCPS) so that they may send a case worker to witness the forensic interview.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



D. The Investigator/officer shall attempt to provide the victim with pertinent information.

1. Where appropriate, inform the victim of any victim compensation or support programs that may be of assistance.
2. Explain to the victim the reasons for medical examination (e.g., preventive treatment for venereal disease) and the need to collect biological specimens for evidence.
3. Inform the victim the clothing worn during the assault must be seized as evidence and that extra clothing should be brought to the hospital.

E. The investigating officer and/or Evidence Technician shall ensure the collection of evidence from the crime scene and the victim.

1. Oversee the collection of evidence at the crime scene, enter all evidence into the property docket and transport all the evidence from the crime scene to the crime lab as soon as possible.
2. If the sexual assault occurred within the past **120** hours the victim should be transported to the appropriate medical facility. An ambulance may be utilized for transportation at the officer's and/or victim's discretion. With juvenile victims, officers should also insure that an adult who can give permission for medical treatment accompanies the victim to the medical facility. The investigating officer will also accompany the victim to the appropriate medical facility. Adult victims (female/male) will be transported to Mount Sinai: The Woman=s Assessment Center at either location (945 N. 12th Street, Milwaukee - 219-5555 or inside West Allis Memorial Hospital 8901 W. Lincoln Avenue) or Froedtert & the Medical College of Wisconsin (Froedtert Hospital Emergency Department – 9200 W. Wisconsin Avenue, Wauwatosa) for evaluation and evidence collection. Juvenile victims (female/male) will be transported to the Milwaukee Child Advocacy Center (619 W. Walnut St., Milwaukee - 277-8980) for examination and evidence collection. If this facility is closed the juvenile shall be transported to either Mount Sinai or the Children=s Hospital Emergency Room or Froedtert Hospital for treatment and evidence collection. Evidence collected from the medical facilities will be retrieved by an officer, will be inventoried in the property docket and transported to the Crime Lab. Refrigerate appropriate evidence if transport to Crime Lab will be delayed.

- a. If the sexual assault occurred beyond **120** hours advise the adult victim to undergo a medical exam at a medical facility of their choosing. Advise the parent/guardian of the juvenile victim to undergo a medical examination at the Milwaukee Child Advocacy Center.
 - b. Have medical release forms signed by the victim and/or parent/guardian of the juvenile victim.
3. Photograph visible injuries at the time of the initial investigative response.
4. If the identity of the suspect is unknown obtain a detailed description of the suspect and broadcast via TTY all pertinent information. Also obtain the services of a sketch officer for a suspect sketch.
5. Provide information on restraining orders if the suspect is known.

F. Anonymous Sexual Assault Kits:

1. Under Wisconsin Statute 165.77(7) victims of sexual assault may ask that an evidentiary kit for DNA evidence be done by a Sexual Assault Nurse Examiner (SANE) while remaining “anonymous.” The SANE is required to collect the DNA evidence and then turn it over to law enforcement as an anonymous evidence kit, without any identifying information for the victim.
2. Under Wisconsin Statute 175.405 whenever a law enforcement agency collects, in a case of an alleged or suspected sexual assault, evidence upon which deoxyribonucleic acid analysis can be performed, and the person who committed the alleged or suspected sexual assault has not been identified, the agency shall, in a timely manner, submit the evidence it collects to the crime laboratory. There is no requirement that the victim provides their information or makes any report to the police.

3. When asked by a SANE to accept an anonymous sexual assault evidence kit, officers will collect the kit from the SANE, create a CAD event for the incident and log the kit into evidence per General Order ADM-4: Evidence Collection as an anonymous sexual assault evidence kit. Comments in the CAD event should state an anonymous sexual assault kit was turned over for processing at the crime lab. The kit will then be transported to the crime lab. In the event the crime lab is able to match the evidence to a suspect, the SANE will be advised and will initiate contact with the victim to inquire as to whether or not the victim desires to cooperate with prosecution. If the victim does desire to cooperate with prosecution, law enforcement will be notified to arrange for an interview of the victim and investigation of the incident. If the victim does not desire to cooperate with prosecution the sexual assault evidence kit will remain at the crime lab and no further action will be taken by law enforcement.

IV. EFFECTIVE DATE

The effective date of this order is April 23, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-38

INDEX AS: Child Abuse/Neglect Complaints

REPLACES: 16-25

EFFECTIVE: 3-17-2016

WILEAG: 6.6.7

SUBJECT: Child Abuse/Neglect Investigations

PURPOSE: The purpose of this General Order is to provide officers guidelines for investigating crimes where children are victims of abuse or neglect as described within Chapter 948 of the Wisconsin State Statutes.

This order consists of the following numbered sections

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. EFFECTIVE DATE

I. POLICY

Recognizing the intense and painful psychological and social pressures placed upon the victims of child abuse/neglect, it shall be the policy of the South Milwaukee Police Department to approach the investigation of such offenses with great sensitivity for the victim. Therefore, all reports of child abuse/neglect shall be thoroughly investigated in accordance with this policy and appropriate measures taken consistent with Wisconsin State Law that will best protect the interest of the child.

It is the policy of the South Milwaukee Police Department to report all suspected incidents of child abuse/neglect to the Division of Milwaukee Child Protective Services (DMCPS) in accordance with WI Statute 48.981(2). If through investigation the South Milwaukee Police Department determines that criminal action is necessary, the case will be referred to the appropriate office of the District Attorney for criminal prosecution.

II. DEFINITIONS

All criminal offenses as defined within Chapter 948 of Wisconsin State Statutes relating to child abuse/neglect. All definitions contained in WI Statute 48.02 (1) (a-f).

III. PROCEDURE

A. Responsibilities of the investigating officer:

1. Officers responding to a reported child abuse/neglect shall accomplish the following:
 - a. Assess the victim's medical condition; if a medical emergency, summon medical personnel (SMFD).
 - b. Determine if in fact child abuse/neglect has occurred.
 - c. Determine the jurisdiction in which the incident occurred.
 - d. Protect the crime scene and if necessary request the assistance of an Evidence Technician or Investigator.
 - e. If applicable, conduct an area canvass for the suspect(s).
 - f. Conduct the initial investigation.
 - g. Notify the DMCPS of the reported incident and proceed with the investigation and ensure that all documentation is then forwarded, as soon as possible, to the assigned case worker.

2. Investigating officers shall refrain from conducting lengthy at scene interviews with the child victim to save the victim from having to repeat the details of the event in subsequent interviews. Minimal facts interviews shall be conducted to determine whether a child abuse/neglect occurred, jurisdiction of the occurrence, suspect information, and efforts to comfort and reassure the victim. If the case meets the criteria for a Forensic Interview (see Section C, 1-2 and Section D) the investigating officer will make arrangements to have the interview done/scheduled as soon as possible at the Child Advocacy Center.
3. The investigating officer shall conduct thorough interviews with any/all other witnesses to the abuse/neglect including any person(s) that the victim may have told about the abuse. The investigating officer should interview, in detail, the person to whom the child made the initial disclosure. This person should be asked who the child told and what the child reported to that person.
[REDACTED]
The investigating officer should then write a detailed report regarding the interview with the person that heard the disclosure. (See section C2 for interviews of child witnesses to the abuse).
4. The investigating officer shall ensure that an Investigator or Evidence Technician completes the collection of evidence at the scene, documents all evidence in the property module and transports all evidence from the crime scene and hospital to the crime lab as soon as possible.
5. The investigating officer shall arrange for victim transportation to the nearest medical facility (contact the Milwaukee Child Advocacy Center at 414-277-8980) during normal business hours for the purposes of medical treatment and/or evidence collection if applicable. Outside of normal business hours Mt. Sinai Sexual Assault Treatment Center or Children's Hospital Emergency Room (if appropriate), may be used for medical attention and/or evidence collection. Have the responsible party (parent/guardian) sign the medical release forms for any treatment received.

6. The investigating officer shall photograph all visible injuries and the crime scene, if applicable, at the time of the initial investigative response.
7. Provide information on a restraining order.
8. The investigating officer shall be responsible for completion of the initial offense report.
9. The investigating officer shall also be responsible for follow-up investigation including, not limited to, locating and interviewing the suspect (Unless this is assigned to another officer by a supervisor).
10. The investigating officer is responsible for the preparation of the required documents/evidence for referral of the case to the appropriate office of the District Attorney. All cases of suspected or threatened abuse as defined in WI Statute 48.02 (1) (a-f) shall be referred to the Office of the District Attorney for criminal prosecution.

B. Forensic Interviews:

1. The department shall utilize specially trained forensic interviewers at the Milwaukee Child Advocacy Center for interviews of child victims in reported child abuse/neglect cases and in accordance with the Milwaukee County Joint Protocol and best practices.
2. Forensic interviews should be done with the victim **in ALL cases of physical or sexual abuse where there is probable cause to believe that a crime has been committed and there is a child victim under the age of 12.** The initial investigator/officer will make arrangements to have a trained forensic interviewer from the Milwaukee Child Advocacy Center-MCAC do a videotaped forensic interview of the child as soon as possible. **The original assigned officer will retain case ownership and will go to the CPC to witness the forensic interview whenever possible.** The original case officer is also responsible for promptly notifying the DMCPS of the investigation and the interview arrangements so that they may send a case

worker to witness the forensic interview. Officers should also consider having forensic interviews done with other children who may have been witnesses to or additional victims of the physical/sexual abuse.

D. Special Circumstances:

1. In the event the child resides with the alleged perpetrator and the child can be kept safe (with a non-offending cooperative parent, or as placed by DMCPS) a forensic interview is the preferred course of action.
2. In the event a special circumstance dictates the child victim must be interviewed immediately the investigating officer shall complete a thorough interview with the victim. A follow-up forensic interview of the victim may also be completed at the discretion of the District Attorney's Office.
3. In the event the case being reported is a delayed disclosure (meaning the incident did not happen recently or involves long term sexual/physical abuse **and the offender no longer has access to the victim**) the investigating officer should interview, *in detail*, the person to whom the child made the initial disclosure. This person should be asked who the child told and what the child reported to that person.

[REDACTED] The investigating officer should then write a detailed report regarding the interview with the person that heard the disclosure. The investigating officer should then coordinate and make arrangements for a forensic interview of the child to be completed as soon as possible.

4. The DMCPS shall be contacted promptly in all cases of child abuse/neglect to ensure the protection and best interest of the child is of paramount consideration. The joint protocol shall be utilized whenever possible. Proceed with the proper course of action. Children will be removed from their homes when it is unsafe for them to remain.

IV. EFFECTIVE DATE

The effective date of this order is December 20, 2019.

William J. Jessup
Chief of Police

Addendum:

Excerpts from WI Statutes 948.01 and 48.02

948.01 Definitions. In this chapter, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(1) "Child" means a person who has not attained the age of 18 years, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, "child" does not include a person who has attained the age of 17 years.

(1d) "Exhibit," with respect to a recording of an image that is not viewable in its recorded form, means to convert the recording of the image into a form in which the image may be viewed.

(1g) "Joint legal custody" has the meaning given in s. 767.001 (1s).

(1r) "Legal custody" has the meaning given in s. 767.001 (2).

(2) "Mental harm" means substantial harm to a child's psychological or intellectual functioning which may be evidenced by a substantial degree of certain characteristics of the child including, but not limited to, anxiety, depression, withdrawal or outward aggressive behavior. "Mental harm" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

(3) "Person responsible for the child's welfare" includes the child's parent; stepparent; guardian; foster parent; an employee of a public or private residential home, institution, or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally responsible for the child's welfare to exercise temporary control or care for the child.

(3m) "Physical placement" has the meaning given in s. 767.001 (5).

(3r) "Recording" includes the creation of a reproduction of an image or a sound or the storage of data representing an image or a sound.

(4) "Sadomasochistic abuse" means the infliction of force, pain or violence upon a person for the purpose of sexual arousal or gratification.

(5) "Sexual contact" means any of the following:

(a) Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant:

1. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

2. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

(b) Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

(c) For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

(6) "Sexual intercourse" means vulvar penetration as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(7) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, meaning vulvar penetration as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by a person or upon the person's instruction. The emission of semen is not required;

- (b)** Bestiality;
- (c)** Masturbation;
- (d)** Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture or bondage; or
- (e)** Lewd exhibition of intimate parts.

History: 1987 a. 332; 1989 a. 31; 1993 a. 446; 1995 a. 27, 67, 69, 100, 214; 2001 a. 16; 2005 a. 273, 435; 2007 a. 96; 2009 a. 28.

Instructions were proper that told the jury that "lewd" under sub. (7) (e), when applied to photographs, is not mere nudity but requires the display of the genital area and sexual suggestiveness as determined by the jury in the use of common sense. *State v. Petrone*, 161 Wis. 2d 530, 468 N.W.2d 676 (1991).

When a defendant allows sexual contact initiated by a child, the defendant is guilty of intentional touching as defined in sub. (5). *State v. Traylor*, 170 Wis. 2d 393, 489 N.W.2d 626 (Ct. App. 1992).

The definition of "parent" in sub. (3) is all-inclusive; a defendant whose paternity was admitted but had never been adjudged was a "parent." *State v. Evans*, 171 Wis. 2d 471, 492 N.W.2d 141 (1992).

A live-in boyfriend can be a person responsible for the welfare of a child if he was used by the child's legal guardian as a caretaker for the child. *State v. Sostre*, 198 Wis. 2d 409, 542 N.W.2d 774 (1996), 94-0778.

The phrase "by the defendant or upon the defendant's instruction" in sub. (6) modifies the entire list of acts and establishes that for intercourse to occur the defendant either had to perform one of the actions on the victim or instruct the victim to perform one of the actions on himself or herself. *State v. Olson*, 2000 WI App 158, 238 Wis. 2d 74, 616 N.W.2d 144, 99-2851.

A person under 18 years of age employed by his or her parent to care for a child for whom the parent was legally responsible can be a person responsible for the welfare of the child under sub. (3). *State v. Hughes*, 2005 WI App 155, 285 Wis. 2d 388, 702 N.W.2d 87, 04-2122.

Petrone established guidelines for defining "lewd" and "sexually explicit." It did not require that a child be "unclothed" in order for a picture to be lewd. Instead, the visible display of the child's pubic area and posing the child as a sex object with an unnatural or unusual focus on the child's genitalia should inform the common sense determination by the trier of fact regarding the pornographic nature of the image. It follows that when a child's pubic area is visibly displayed, the lack of a full opaque covering is a proper consideration that should inform the common sense determination by the trier of fact. *State v. Lala*, 2009 WI App 137, 321 Wis. 2d 292, 773 N.W.2d 218, 08-2893.

48.02 Definitions.

In this chapter, unless otherwise defined:

- (1)** "Abuse", other than when used in referring to abuse of alcohol beverages or other drugs, means any of the following:
 - (a)** Physical injury inflicted on a child by other than accidental means.
 - (am)** When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.
 - (b)** Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085.
 - (c)** A violation of s. 948.05.
 - (d)** Permitting, allowing or encouraging a child to violate s. 944.30.
 - (e)** A violation of s. 948.055.
 - (f)** A violation of s. 948.10.



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-09

INDEX AS: Organizational Structure

REPLACES: G.O. 16-11

EFFECTIVE: 02-16-2016

WILEAG: 11.1.1, 11.2.2, 11.3.1, 12.1.2, 21.2.3, 46.1.1, 46.1.2, 46.1.4

SUBJECT: Organizational Structure

PURPOSE: The purpose of this General Order is to set forth the organization of the South Milwaukee Police Department and the functions and responsibilities of the respective divisions.

This general order consists of the following numbered sections:

- I. ORGANIZATION
- II. AUTHORITY
- III. COMMAND PROTOCOL
- IV. PERSONNEL RESPONSIBILITIES
- V. EFFECTIVE DATE

I. ORGANIZATION

- A. The Chief of Police is responsible for the efficient and effective management of the entire department. Responsibilities of the office include, but are not limited to, planning, organizing, staffing, directing and controlling the police services for the City of South Milwaukee to include the management of fiscal functions such as budgeting and requisitioning
- B. The South Milwaukee Police Department is divided into two divisions: Operations and Administration & Services.

These divisions are assisted and coordinated by the Chief of Police.

1. Operations Divisions: The Operations Division is responsible with carrying out the Department's main objectives, and training. This division is comprised of the Patrol Section.
 - a. The Patrol Section is responsible for providing preventive patrol, responding to calls for service, criminal and traffic enforcement, crime prevention activities, accident and incident investigations, as well as a wide variety of services, which ensure the safety, and security of city residents. The majority of personnel resources are assigned to this division.
 - b. The Training Section is responsible for recruit, in-service and specialized training functions. In addition, this section coordinates the Department's career development program.
2. Administration & Services Division: The Administration & Services Division is responsible for those activities that support line functions of the Operations Division. The Administration & Services Division is responsible for the functions of the Investigation Section, Records Management System, and Communications Center.
 - a. The Investigation Section is responsible for the coordination of all criminal investigations. This division is responsible for follow-up police investigations including arrest, interrogation, evidence handling, court preparation and recovery of stolen property.
 - b. The Records Section maintains all police records and provides criminal and statistical information to governmental agencies and for public information.
 - c. The Communications Center maintains police and fire communications to ensure the safety of personnel operating in hazardous situations and to provide swift, courteous response to

citizens seeking aid or information. This section serves as the 9-1-1 emergency telephone answering point for all emergency services in South Milwaukee and is responsible for police and fire radio and telephone equipment maintenance.

- C. The Department organizational chart will be updated annually or at such time as the organizational structure changes.

II. AUTHORITY

Employees of the Department are delegated the authority to make decisions relative to their position and to execute their responsibilities accordingly. Employees delegated the authority to make decisions relative to their position will be held fully accountable for the use of, or failure to use, this delegated authority.

III. COMMAND PROTOCOL

- A. Each employee is immediately accountable to their direct supervisor. Each section is responsible to the supervisor assigned to head the group. The Lieutenants are immediately responsible to the Operations Division Commander. The commanders of the Operations and Administration & Services Divisions are responsible to the Chief of Police. The Chief of Police is immediately responsible to the Mayor.
 - 1. In the case of special situations involving the various sections of the Department, the commander of the Operations Division will assign an event leader, to whom the operatives will be immediately responsible. In circumstances where such assignment cannot be made in advance, the commander of the Operations Division will assume command. In absence of the Operations Division Commander, the Administration & Services Commander shall assume control. In absence of either the Operations Division or the Administration & Services Commander, the Lieutenant or OIC on duty shall take control until otherwise relieved or directed.

B. In the case of an incident requiring both patrol officers and Investigator(s), the individual responsible for the complete/thorough investigation of the incident shall assume control and command of the incident.

IV. PERSONNEL RESPONSIBILITIES

Written position descriptions are given to each employee. When they are revised, each employee will receive a copy of the revision.

V. EFFECTIVE DATE

The effective date of this order is January 28, 2019

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-43

INDEX AS: Search and Seizure

REPLACES: 17-35
EFFECTIVE: 06-08-2017

WILEAG: 1.7.3

SUBJECT: Search and Seizure

PURPOSE: The purpose of this General Order is to provide guidelines which protect the Constitutional Rights of individual citizens, ensure the admissibility at trial of any evidence seized as the result of a search, and to protect the police from criminal or civil liability resulting from unauthorized searches.

POLICY: It is the policy of the South Milwaukee Police Department that any and all searches of persons, places, or things conducted by South Milwaukee Police Department personnel will be done so as to be within guidelines set forth in Wisconsin State Statute and as allowed with due regard to individual citizen's rights as guaranteed by the Fourth Amendment to the Constitution of The United States of America.

This order contains the following numbered sections:

I DEFINITIONS

II AUTHORIZATION OF SEARCH AND SEIZURE

III EFFECTIVE DATE

I DEFINITIONS

A. Search - Examination of a person, place, motor vehicle, or any other thing with a view to the discovery of contraband or evidence of guilt to be used in the prosecution of a criminal action.

- B. Seizure - The taking of a person, motor vehicle, or item of evidence into custody, by either taking it to a private storage facility or a law enforcement facility.
- C. Contact - Making an inquiry of a citizen in which the citizen's liberty is not restrained.
- D. Stop - (Sometimes referred to as a field interview, see Wisconsin State Statute 968.24) - The brief detention of an individual, whether on foot or in a vehicle, for a reasonable period of time, in a public place, based on reasonable suspicion, for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity. The questioning of the subject must be conducted in the vicinity where the person was stopped.
- E. Frisk - (Sometimes referred to as a pat-down, see Wisconsin State Statute 986.25) - A limited protective search for concealed weapons or dangerous instruments.
- F. Protective Sweep - A quick and limited search of a premises, conducted to protect the safety of police officers or others. It is narrowly confined to a cursory visual inspection of those places in which a person might be hiding.
- G. Reasonable Suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

II AUTHORIZATION OF SEARCH AND SEIZURE

Under Wisconsin Law, a search of a person, place, or object may be made and items may be seized when a search is made:

- A. Pursuant to a valid search warrant: See General Order ORG-27: Search Warrants.
- B. Incident to a lawful arrest: Wisconsin State Statute '968.10 provides that, a search of a person, object, or place may be made and things may be seized when the search is made incident to a lawful arrest. WI Stats. 968.11 defines the scope of such a search such that an officer, may reasonably search the person arrested and an area within that person's

immediate presence. Generally, searches incident to a lawful arrest may be conducted for the following purposes:

1. Protecting the officer from attack:
 - a. Protective sweep: The Fourth Amendment permits a protective sweep in a private home if the searching officers possess, a reasonable belief based on specific and articulable facts which, taken together with the rational inferences from those facts, would warrant a reasonably prudent officer in believing that the area to be swept harbors an individual posing a danger to those on the arrest scene.
 - b. The Supreme Court holds that as an incident to the arrest, the officers could, as a precautionary matter and without probable cause or reasonable suspicion, look in closets and other places immediately adjoining the place of arrest from which an attack could be mounted.
2. Preventing the person from escaping;
3. Discovering and seizing the fruits of the crime;
4. Discovering and seizing any instruments, articles, or things which may have been used in the commission of, or which may constitute evidence of, the offense.
5. Incident to lawful arrest searches extend to include vehicles in some circumstances. The Supreme Court in *Arizona v. Gant* concluded that the search incident to arrest doctrine is not an automatic police entitlement and should only be applied when the suspect is still in a position to lunge into the passenger compartment or when the officer reasonably believes that the vehicle has evidence supporting the arrest.

C. As authorized under established exceptions, including:

1. Public place: No search warrant will be required by the police to search a place **open to the public**,

except in certain situations where the person has a reasonable expectation of privacy. This includes public lands, businesses (but not private offices within), and common areas of apartment buildings.

2. Open fields
3. Plain view:
 - a. Officers in a place where they have a lawful right to be, may seize, without obtaining a search warrant, any object in plain view if they have probable cause to believe that the object is contraband, the fruits of a crime, an instrument used in the commission of a crime, or evidence of a crime.
 - b. Officers, lawfully in a place in order to make an arrest, may not go into other rooms, or parts of the premises **for the specific purpose** of seizing items that might be in plain view. However, if officers are legally in another room, items in plain view may be seized.
4. Custodial searches: Whenever a lawful custodial arrest is made the arrestee should be thoroughly searched; pockets, socks, shoes, mouth etc.
[REDACTED]
5. Abandoned objects: Officers in a place where they have legal right to be may seize and search, without a warrant, the contents of property which they have reason to believe is abandoned.
6. Automobile searches: Whenever reasonable, a warrant should be obtained for the search of a motor vehicle. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search. Damage will be documented in the police report and photographed for

download under the appropriate case number in the SMPD "L" drive.

- a. Movable vehicle exception: Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant. A movable vehicle exception can be cited in these circumstances however, when a vehicle has broken down, or there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, the vehicle should be searched only after a warrant has been obtained. When a warrant has been obtained officers may search all areas of the vehicle that can contain the item(s) of the search.
- b. Probable cause searches: Probable cause searches may extend to all areas of the vehicle, unless the probable cause is limited to a specific area of the vehicle.
 - 1). Once probable cause to search is established, a search may be conducted without a warrant even though there are adequate opportunities thereafter to obtain a warrant.
 - 2). When conducting these or other legal searches of motor vehicles, officers may also inspect passengers' belongings found in the vehicle, provided that the belongings being searched are capable of concealing that type of object for which the police have probable cause to search.
- c. Frisk for Weapons: When a vehicle has been stopped and there is reasonable suspicion that the person is armed, officers may require that the person exit the vehicle and submit to a frisk. Under such circumstances, officers may search accessible areas of the vehicle in order to discover weapons or other dangerous

instruments, (inside of passenger compartments, to include pass-through trunks), however areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment may not be frisked.

- d. Plain View: Officers may lawfully, without obtaining a search warrant, seize from a motor vehicle, any seizable item they observe in plain view.
- e. Plain Smell: An officer has probable cause to detain and search a suspect, or his/her vehicle, after smelling the odor of marijuana emanating from that vehicle if that officer can reasonably articulate how, based on their training and experience, they were able to identify the odor as marijuana.
- f. Determining Ownership: Entry may be made to a vehicle without a search warrant in order to examine the vehicle identification number or to determine the ownership of that vehicle but must be limited to actions reasonably necessary to accomplish those goals.
- g. Emergencies: Search of a vehicle under emergency situations not otherwise enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency. NOTE: Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.
- h. Automobile Inventory Searches: Inventory Searches will be done on all vehicles in stops

that result in the custodial arrest of the driver if:

- 1). The vehicle is not legally parked at the time of the stop and there is no licensed driver present, or immediately available, to remove the vehicle. While a licensed driver may remove the vehicle with the consent of the owner, the inventory search will not be postponed while waiting for a licensed driver to arrive on scene.
- 2). The inventory search will be of the entire vehicle (including the trunk) and will search for any items with an apparent value of \$500.00 or more that are not somehow attached to the vehicle. Items meeting this criteria are to be brought to the South Milwaukee Police Department and entered into the property system for safekeeping. A Vehicle Inventory Search form (attached) shall be completed by the officer conducting the inventory search. This Inventory Form shall be scanned as an attachment to the original case number. After the inventory search is completed the vehicle will be towed from the scene.

7. Exigent Circumstances

- a. A warrantless search of premises may occur if officers on scene determine that exigent circumstances exist.
- b. Courts have generally established three key exigencies that would permit such a search to occur:
 - 1). Imminent risk of death or serious injury should officers delay taking action;
 - 2). High probability evidence will be immediately destroyed should officers delay taking action;

- 3). Likelihood that a criminal suspect will escape if officers delay taking action.
- c. Officers should be prepared to articulate the exigent circumstances that resulted in the warrantless search.

D. With Consent:

1. Officers are not required to have a search warrant if the person having control of the place, vehicle, or item to be searched gives their consent to the search. This consent must be voluntarily, freely, knowingly given, and should be given in writing if possible utilizing the SMPD Consent to Search Form, or the officer's notebook. Recording verbal consent on the officer's bodycam is also an option.
2. The person who consents to the search must have equal rights to use and/or occupy the thing or place to be searched as does the person against whom the evidence is to be used.
3. Whether verbal or written consent is given, **it can be withdrawn** by the party **at any time** and officers will then stop the search.

E. Inventory Searches: Whenever any property is seized for evidentiary, lost and found, or safe-keeper reasons it will be inventoried as to condition, contents, and other relevant information (See II.6.H. 1-2 regarding automobile inventory searches).

F. Pursuant to a search during a stop and frisk: In performing their duties, police officers must often approach individuals who appear to be engaged in some activity calling for investigation. Those activities cover a wide range of situations. Depending on the nature of the situation encountered, the police response may at times constitute a contact, a stop, a frisk, and/or an arrest. In individual situations, a contact may escalate into a stop and/or a stop may escalate into an arrest.

1. Contact: Normally, unless officers conclude that an arrest should be made, or that a stop is justifiable, communications with a private citizen will begin with a

contact. Officers, after identifying themselves, may initiate contact with any citizen anywhere they have a right to be present. Persons contacted will not be halted, detained against their will, or frisked. They will not be required to answer questions or to cooperate in any way if they do not wish to do so. Officers will not use force or coercion in initiating a contact or in an attempt to obtain cooperation once the contact is made. When the person refuses to cooperate, that person **must** be permitted to leave. Since a contact is not a stop nor an arrest, and those persons contacted may be innocent of wrongdoing of any kind, officers will take special care to act in as restrained and courteous a manner as possible.

2. Stop: (WI Stats. 968.24)
 - a. A stop occurs whenever officers use their authority to make a person halt, keep the person in a certain place, or compel the person to perform some act. If a person is under the reasonable belief that they are not free to leave the officer's presence, a stop has occurred. The police may stop people in a public place after they have identified themselves as law enforcement officers, if they reasonably believe or suspect a person has committed, is committing, or is about to commit a crime. Both pedestrians and persons in vehicles may be stopped. Each officer conducting a stop must be prepared to cite the existence of specific facts supporting their determination that they have a reasonable suspicion that the person being stopped is involved in some illicit activity. Reasonable suspicion may be rationally inferred from a totality of the circumstances which may include but not be limited to:
 - 1). The appearance or demeanor of an individual that suggests that they are part of a criminal enterprise or is engaged in a criminal act.
 - 2). The actions of the suspect suggest that they are engaged in a criminal activity.

- 3). The hour of the day or night is inappropriate for the suspect's presence in the area.
- 4). The suspect's presence in the neighborhood or location is inappropriate.
- 5). The suspect is carrying a suspicious object.
- 6). The suspect's clothing bulges in a manner that suggests they are carrying a weapon.
- 7). The suspect is located in proximate time and place to an alleged crime.
- 8). The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.
- 9). The individual flees at the sight of the police officer.

b. Duration: A person stopped pursuant to this policy may be detained at or near the scene of the stop for a reasonable period of time. Officers will detain a person only for the length of time necessary to obtain or verify the person=s identification, an account of the person=s presence or conduct, an account of the offense, or otherwise determine if the person should be arrested or released. Officers will act with courtesy toward the person stopped and at some point during the stop, the officer will in every case, give the person stopped an explanation of the purpose of the stop.

c. Rights of detained persons: Officers will direct questions to the detained person for the

purpose of obtaining their name, address, and explanation of their conduct. The detained person does not have the right to lie or otherwise knowingly provide false information to the officer intending to mislead that officer in the performance of their duty, however, the detained person may not be compelled to answer questions **other than** those asked for identification purposes and those intended to determine their present conduct. Officers will request that the person provide identification and will demand the production of an operator's license if the person has been operating a vehicle. Before the questioning, the detained person need not be advised of their Constitutional Rights. Even if probable cause to arrest develops, officers shall continue questioning, and should not advise the person of their Constitutional Rights until the person is arrested.

- d. Effect of refusal to cooperate: Refusal to answer questions or to produce identification does not in and of itself yield probable cause to arrest; however, such refusal may be considered along with other facts as an element adding to probable cause. In specific situations where the party fails to cooperate and there is no other practical way of identifying the detained person, officers will make a limited search for the purpose of determining identity. Once identification is made, the search will be stopped and all materials returned to the person, unless illegally possessed. Officers will use the least coercive means necessary under the circumstances to effect a stop or detain a person.

e. Use of Force: Officers may use only the minimum amount of force that is reasonably necessary to stop and detain a person pursuant to this policy. General Order ORG-7: Use of Force Policy will be followed.

3. Frisk: (WI Stats. 968.25)

a. After a valid stop has been made, police officers may frisk a person and/or vehicle when they reasonably suspect a person is carrying a concealed weapon or dangerous instrument and that a frisk is necessary to protect themselves or others. The frisk may be conducted at any time during the stop, whenever a reasonable suspicion to frisk appears, which is to say that if a reasonably prudent officer under the circumstances would be warranted in believing that their safety or the safety of another person in their vicinity was in danger, a frisk is justified. The reasons must be articulable and may include but not be limited to:

- 1). The type of crime suspected, particularly crimes of violence where the use or threat of deadly weapons is involved.
- 2). Where more than one suspect must be handled by a single officer.
- 3). The hour of the day and the location or neighborhood where the stop takes place.
- 4). Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- 5). The appearance and demeanor of the suspect.
- 6). Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.

- 7). The age and gender of the suspect.
 - b. In a frisk, officers are permitted only to feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be believed to be a weapon such as a firearm, knife, club, or other item. If an officer reasonably believes, based on reliable information or their own knowledge and/or observations, that a weapon or dangerous instrument is concealed at a particular location on the suspect, such as a pocket, waistband, or sleeve, the officer may reach directly into the suspected area.
 - c. When a person is carrying something immediately separable from their person, ie. a purse, shopping bag, or briefcase, it should be taken from the person. Officers will not search inside the object but will place it in a safe location out of the suspect's reach for the duration of the detention unless specific, articulable facts, (such as unusual weight, or a weapon is felt within), are discovered at that time.
 - d. When, while conducting a frisk, officers feel an object which they do not reasonably believe to be a weapon or dangerous instrument, but do believe it to be a seize-able item, they will not, on the basis of their authority to frisk, take further steps to examine the object. This is to say that an officer may not overly palpate the object in an attempt to further identify it. However, if an officer has articulable, particular training and experience which may assist them in identifying an object inside of a pocket as contraband, that officer, may retrieve that object from the pocket based on *Aplain feel@* and now having probable cause to arrest that officer may place the suspect under arrest and conduct a full custodial.

- e. When a frisk discloses a weapon, dangerous instrument, or any other property, possession of which the police reasonably believe may constitute the commission of a crime or which may constitute a threat to their safety or the safety of others, they may take it and keep it until the completion of the questioning, at which time they will either return the property, if lawfully possessed, or arrest the person so questioned and conduct a full custodial search of the arrestee.
- G. At the Scene of a Crime: Officers may search the scene of a crime in an effort to identify the size and scope of the crime scene, to locate any victims in need of assistance within a suspected crime scene, as a protective sweep of a suspected crime scene, or to secure a crime scene. The crime scene will be kept secure until a search warrant can be procured or consent given by a person authorized to do so for a more thorough search of the scene.
- H. In Conformance with 2007 Wisconsin Act 106: Search of Those that are Dead or Near Death:

If a law enforcement officer reasonably believes an individual to be dead or near death, the officer shall make a reasonable search of the individual for a record of gift or a record of refusal or other information identifying the individual as a donor or as an individual who has refused to make an anatomical gift. If a record of gift or record of refusal is located by this search and the individual or deceased individual to whom the record of gift or record of refusal relates is taken to the hospital, the person responsible for conducting the search shall send the record of gift or record of refusal to the hospital.
- I. In Accordance with WI Act 79
 - 1. This Act allows the police to search the person, the residence, or the property under his/her control, of anyone placed on **probation** for a felony; or for a misdemeanor under Chapters 940, 948, and 961; or released on parole, or extended supervision IF:
 - a.) The police have reasonable suspicion the subject is committing, is about to commit, or

has committed a crime **OR** the police have a reasonable suspicion that the subject is committing, is about to commit, or has committed a violation of his/her conditions of probation/release **AND** the person is currently supervised by the Wisconsin Department of Corrections on probation for a felony; or for a misdemeanor under Chapters 940, 948, and 961; or parole, or extended supervision related to a Wisconsin conviction; and that period of supervision began on or **after December 14, 2013**. The same standard that permits a *Terry* stop of any person allows for a search under this Act if the supervision requirement is met.

- b.) Any search conducted under this Act must be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing.

2. Notification to DOC

A law enforcement officer who conducts a search under this Act, must as soon as practicable, notify DOC of the search. Notification is to be made via E-mail. The following procedure shall be followed for the E-mail notification:



J. As Otherwise Authorized by Law

III. EFFECTIVE DATE

The effective date of this order is May 6, 2020.

William R. Jessup
Chief of Police

SOUTH MILWAUKEE POLICE DEPARTMENT VEHICLE INVENTORY SEARCH

CASE # _____ **SMPD Officer:** _____

Vehicle Towed? Yes/No (by _____, Date _____ Time _____)

Vehicle Plate _____ **Vehicle Owner** _____

Vehicle Description: _____

Brief Incident description:

Items of value located in the vehicle (any item valued at \$500.00 or more should be listed) :

Description of Item: _____ **Estimated Value:** _____ **Disposition/SMPD Property #:** _____

NO items of value (over \$500.00) were located in the vehicle.

This report shall be scanned in and added to the Incident as an attachment. All items must also be entered into the property module of Phoenix.

R:FORMS/Vehicle Inventory



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-11

INDEX AS: Missing Person Reports
Missing Children Reports
Amber Alert
Silver Alert
Green Alert

REPLACES: G.O. 17-22
EFFECTIVE: 01-19-2017

WILEAG: 6.1.5

SUBJECT: Missing Person Reports
Missing Children Reports
Amber Alert
Silver Alert
Green Alert

PURPOSE: The purpose of this General Order is to provide a guideline for the receipt and initial investigation of the various types of missing person reports including the department's response to missing children.

POLICY: It is the policy of the South Milwaukee Police Department to promptly investigate all reports of missing persons in an effort to locate and safely return them to their homes. Every child reported missing will be treated as "at risk" until **significant** information to the contrary is confirmed.

DISCUSSION:

Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in, or was last seen in this jurisdiction, the SMPD will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing-child report, the SMPD will assume reporting and investigative responsibility.

Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the policy of the SMPD to accept the report of a missing child even if custody has not been formally

established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of the SMPD will open a case when it can be shown the child has been removed, without explanation, from his/her usual place of residence. If custody has not been established by the court, then the law-enforcement responsibility is to ensure the child is safe only.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. EFFECTIVE DATE

I. DEFINITIONS

- A. Child: any person under the age of 18.
- B. Missing Child: a child, younger than 18 years of age, whose whereabouts are unknown to his/her custodial parent, guardian, or responsible party.
- C. At Risk: a missing child will be considered “at risk” when one or more of the risk factors noted below are present:
 - 1. 13 years old or younger; **or**
 - 2. Believed or determined to be experiencing one or more of the following circumstances:
 - a. Out of their “safety zone” for their age and development (i.e. a young child from out of town lost)
 - b. Has mental or behavioral disabilities
 - c. In a life-threatening situation (needing medication, etc.)
 - d. In the company of others who could endanger their welfare (i.e. abduction, etc.)
 - e. Is drug dependent, including prescribed medication and/or illegal substances and the dependency is

potentially life threatening.

- f. Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained.
- g. Is involved in a situation causing a reasonable person to conclude the child should be considered at risk.

D. Runaway: a child who voluntarily leaves the custody/care of their guardian or caretaker (note: a runaway **can** be an “at risk” child.)

E. Abducted: a missing child who has been involuntarily removed from guardian or caretaker custody. Abductions fall into two broad categories:

- 1. Family - a family member has taken the child outside of the established custody agreement.
- 2. Non family - a person not related to the child has taken the child without the permission or knowledge of the guardian.

F. Missing Person Age 18-21: a missing person that falls into this age category can be entered into NCIC.

G. Missing Adult: a missing person over the age of 21

II PROCEDURES

A. Communications Center Responsibilities:

- 1. Identifying the status of the missing person:
 - a. Communications Center personnel receiving a report of a missing child (as set forth in Section I.) shall determine if circumstances of the report meet the definition of a missing child in Section I. Telecommunicator shall make a preliminary assessment about the level of risk associated with the missing child to be prepared to promptly activate other protocols as needed. An officer will be dispatched to the scene as soon as possible.
 - b. If the caller reports a runaway 13 years or older and there are no endangering circumstances (“at risk”

factors), the caller may be asked to come to the police department and make the report or an officer will be dispatched as soon as it is practical to do so.

- c. If the caller reports a **lost or missing** child, regardless of age, an officer will be immediately dispatched to the location the child was last seen. The caller will be instructed to meet the officer at that location.
- d. If the caller reports an **abducted** child, or a child showing one or more of the “**at risk**” factors, an officer will be immediately dispatched, and the shift supervisor notified. Details of the abduction/suspect descriptions/victim descriptions should be obtained by the telecommunicator and broadcast immediately to all officers and the information should be given to all area agencies. If appropriate, existing interagency response protocols including the Amber Alert System and/or other community notification methods such as (A Child is Missing, The NCMEC (National Center for Missing and Exploited Children), and the City of South Milwaukee Alert Sense), should be considered.
- e. If the caller reports a missing adult, under the age of 21, there is **no waiting period** before an investigation is begun. The missing person is to be entered into NCIC without delay.
- f. If the person reported missing is an adult age 21 or older there is **no defined waiting period** for a missing person entry or investigation. The initiation of an investigation or entry into NCIC will be determined by the circumstances involved in the disappearance such as: persons with Alzheimer's, mental health issues, drug dependencies, or other at risk indicators where the reporting person reports that the behavior is out of the norm for the missing person (See section B.4.e. regarding Silver Alerts for those over 60 meeting certain criteria).

2. When it has been verified that a person is missing (whatever the circumstance) the appropriate information will be entered into CIB/NCIC in compliance with state and federal laws.
3. When it has been verified that the person has returned the entry into CIB/NCIC will be cancelled.

B. First Responding Officer Responsibilities

Officers should use the “Checklist for First Responders” provided by the National Center for Missing and Exploited Children (Addendum A) to assist in performing a thorough missing/abducted child investigation. All items on this checklist should be considered/completed, including, but not limited to, the following:

1. Respond promptly to the scene of the report activating the squad video camera or body worn camera, if possible.
2. Identify and interview the parent(s) or person who made the initial report. Determine when, where and by whom the child was last seen. Identify the missing child’s zone of safety for his/her age and developmental stage.
3. Collect basic information (who, what, when, where, how, and why) to establish the time frame between when the person was last seen and when they were discovered “missing”. Identify the circumstances of the missing episode.
4. Make an **initial assessment** as to the type of incident. If not enough information is developed for a clear assessment treat the incident as an abduction.
 - a. If the report is of a lost, missing or runaway child age 13 or younger, or at risk at any age, request assistance for a preliminary search while the initial investigation is completed.
 - (1.) Notify communications to make an immediate “attempt to locate” broadcast (provide as much descriptive information as possible for this broadcast), and entry of the person into CIB/NCIC.
 - (2.) Complete the Missing/Runaway Incident Form
 - (3.) Obtain a detailed description of the missing child including photos and videos.
 - (4.) Conduct an immediate and thorough search of the scene and immediate area with a focus on areas where a child could be trapped or hiding.

- (5.) Look for evidence of a crime. Seal/protect the scene, area of child's home, and areas of interest as potential crime scenes.
- (6.) Identify and separately interview everyone at the scene.
- (7.) Obtain a description of the suspected abductor(s) and other pertinent information.
- (8.) Inquire if child has internet access, cell phone and or other communication device and obtain information on those devices.
- (9.) Notify the shift supervisor prior to suspending the investigation.

b. If the report is of a runaway 13 or older, with no "at risk" factors:

- (1.) Complete the Missing/Runaway Form
- (2.) Obtain a photograph of the missing person.
- (3.) Have the missing person entered into CIB/NCIC.
- (4.) Follow-up any immediate leads as to the person's location.
- (5.) Broadcast the missing person's description.

c. If the report is of a missing adult under the age of 21 years old:

- (1.) Complete the Missing/Runaway Form
- (2.) Obtain a photograph of the missing person.
- (3.) Have the person entered into CIB/NCIC (there is no "waiting period" for entry into NCIC).
- (4.) Follow-up on any leads as to the missing person's location.

- d. If the report is of a missing adult age 21 or older and circumstances indicate the need for an investigation and entry into NCIC the officer will:
 - (1.) Complete the Missing/Runaway Form
 - (2.) Obtain a photograph of the missing person.
 - (3.) Have the person entered into CIB/NCIC (there is no “waiting period” for entry into NCIC).
 - (4.) Follow-up on any leads as to the missing person’s location.
- e. If the missing person is aged 60 or older and is *believed* to have Alzheimer’s, Dementia, or another **permanent** cognitive impairment which poses a threat to their health and safety and there is reasonable belief that the missing person’s disappearance is due to their impaired cognitive condition the activation of a “Silver Alert” should be considered.
 - (1). Follow the instructions in the Silver Alert manual for activation.
 - (2). Alerts must be requested within 72 hours of the person’s disappearance and there should be sufficient information available to disseminate to the public that could assist in locating the missing person.
 - (3). The Dept. of Justice will ultimately determine if the criteria has been met to issue a Silver Alert.
 - (4). If a missing person case does not meet the Silver Alert criteria consider sending an Endangered/Missing Person alert through the Wisconsin Crime Alert Network.
- f. If the missing person is a military veteran who has a service-related health condition, within 72 hours of the individual’s disappearance, according to Wisconsin Act 175, a “Green Alert” shall be issued using the Wisconsin Crime Alert Network as soon as practically possible if your agency determines that the following

applies:

- (1) There is reason to believe that the veteran at risk is missing due to his or her physical or mental health condition.
- (2) There is sufficient information available to disseminate that could assist in locating the missing veteran.

According to 2017 Wisconsin Act 175, "veteran at risk" is a veteran or an active-duty member of the armed forces, the national guard, or the military reserve forces of the United States who is known, based on the information provided by the person making the report, to have a physical or mental health condition that is related to his or her service.

Green Alerts are always disseminated to the general public. If the situation exists where the missing veteran at risk is a safety concern it is inappropriate for the alert to be disseminated to the general public. Rather than issuing a Green Alert, your agency may opt for issuing an "Officer Safety" alert through WCAN, or another appropriately titled WCAN alert, where it is only sent to law enforcement and is labeled "Law Enforcement Sensitive."

5. If the person has not returned home within 24 hours and 48 hours the investigating officer will check the status of the runaway/missing person. If this cannot be done by the investigating officer the Investigations Section will do the follow-up.
6. When the runaway/missing person has returned home the assigned officer will have a parent/or reporting person sign the Missing/Runaway Form. The assigned officer will also interview the runaway/missing person as to their whereabouts and any issues that may have led to them running away. A supplemental report shall be written containing any information that would help locate the person should this occur again.
7. If a parent or guardian of a juvenile does not or will not take the child back into the home for any reason the Bureau of Child Welfare will be contacted to determine placement.

8. Also see General Order ADM – 17: Validation.

C. Investigations Section Responsibilities:

1. All cases of reported missing/runaways who have not returned home in 48 hours will be assigned to an Investigator.
2. If a missing child reported as a runaway reaches the age of emancipation, the reporting parent or guardian will be contacted and a missing person report will be offered as an option to the reporting party. If the reporting party declines to report the runaway as missing or they have had contact with the missing person, the runaway report will be cancelled.
3. Investigators responding to an abduction, possible abduction, or “at risk” missing child should utilize the “Checklist for First Responders” provided by the National Center for Missing and Exploited Children (Addendum A) to assist in performing a thorough missing/abducted child investigation. All items on this checklist should be completed/considered, including, but not limited to, the following:
 - a. Debrief first responders
 - b. Interview witnesses
 - c. Verify the accuracy of all descriptive information
 - d. Initiate a neighborhood investigation (canvass) of the area for any potential witnesses. A record of all vehicles parked within the neighborhood should be made.
 - e. Initiate record checks on victim and parents. Obtain a brief history of recent family dynamics.
 - f. Review developed information and resolve contradictory information. Explore the basis for any conflicting information.
 - g. Coordinate and provide information to the Command Post for distribution to search teams, etc.
 - h. Consider immediate media contact; coordinate a news

release. Monitor media relations.

- i. Implement effective case management.

- D. Shift Supervisor Responsibilities: Shift Supervisors should use the Checklist for First Responders provided by the National Center for Missing and Exploited Children (Addendum B) to assist in performing a thorough missing/abducted child investigation. All items on this checklist should be completed/considered, including, but not limited to, the following:
 - 1. Confirm initial assessment of investigating officer.
 - 2. Have the Communications Center notify the Chief and Captains (if assessed as an abduction/"at risk" missing).
 - 3. Assess whether an Amber Alert, Silver Alert, Green Alert, or Wisconsin Crime Alert Network is warranted (Amber Alert and Silver Alert Activation Procedure attached) and criteria are met.
 - 4. Consider involvement of the 24/7 "A Child is Missing" program resources at 1-888-875-2246 or www.achildismissing.org
 - 5. Consider involvement of NCMEC (National Center for Missing and Exploited Children) personnel and resources at 1-800-THE-LOST (1-800-843-5678) or <http://www.missingkids.com/home>.
 - 6. Request additional personnel as needed.
 - a. Investigative personnel
 - b. Communications Center personnel
 - c. Officers for search
 - d. Activation of SMART or mutual aid response
 - 7. Establish a Command Post separate from the crime scene or victim's house.
 - 8. Organize and coordinate search efforts.
 - 9. Brief arriving personnel and assign tasks as needed.

10. Establish liaison with the victim family.
11. Manage media relations.

E. Recovery and Return

1. An officer assigned to the recovery or return of a missing child shall:
 - a. Verify the located child is, in fact, the reported missing child.
 - b. Secure intervention services, if appropriate.
 - c. Arrange for return of the child to his/her legal guardian or appropriate shelter in the case of a runaway.
 - d. Complete all appropriate reports and cancel all outstanding notifications.

III. EFFECTIVE DATE

The effective date of this order is July 23, 2018

William R. Jessup
Chief of Police

Addendum A: Investigative Checklist for First Responders
Addendum B: Amber Alert Protocol
Addendum C: Silver Alert Protocol
Addendum E: Green Alert Protocol

ADDENDUM A

Investigative Checklist for First Responders

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS



This checklist is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted-children investigations.

First Responder

- If circumstances warrant, consider activating patrol-vehicle-mounted video camera when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
- Interview parent(s)/guardian(s)/person who made the initial report.
- Confirm the child is in fact missing.
- Verify the child's custody status.
- Identify the circumstances of the disappearance.
- Determine when, where, and by whom the missing child was last seen.
- Interview the individuals who last had contact with the child.
- Identify the child's zone of safety for his or her age and developmental stage.
- Based on the available information, make an initial determination of the type of incident whether nonfamily abduction; family abduction; runaway; or lost, injured, or otherwise missing.
- Obtain a detailed description of the missing child, abductor, and any vehicles used.
- Secure photographs/videotapes of the missing child/abductor.
- Evaluate whether the circumstances of the child's disappearance meet **AMBER Alert** criteria and/or other immediate community-notification protocol. Discuss plan activation with supervisor.
- Relay detailed descriptive information to communications unit for broadcast updates.
- Determine need for additional personnel including investigative and supervisory staff.
- Brief and bring up-to-date all additional responding personnel.
- Identify and separately interview everyone at the scene. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.
 - Note name, address, home/business telephone numbers of each person.
 - Determine each person's relationship to the missing child.
 - Note information each person may have about the child's disappearance.
 - Determine when/where each person last saw the child.
 - Ask each one, "What do you think happened to the child?"
 - Obtain names/addresses/telephone numbers of the child's friends/associates and other relatives and friends of the family.
- Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- Obtain and note permission to search home or building where incident took place.
- Conduct an immediate, thorough search of the missing child's home, **even if the child was reported missing from a different location**.
- Seal/protect scene and area of the child's home (including the child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so evidence is not destroyed during or after the initial search and to help ensure items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
- Evaluate the contents and appearance of the child's room/residence.
- Inquire if the child has access to the Internet and evaluate its role in the disappearance.
- Ascertain if the child has a cellular telephone or other electronic communication device.
- Extend search to surrounding areas including vehicles and other places of concealment.
- Treat areas of interest as potential crime scenes.
- Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
- Interview other family members, friends/associates of the child, and friends of the family to determine
 - When each last saw the child.
 - What they think happened to the child.
- Review sex-offender registries to determine if individuals designated as sexual predators live, work, or might otherwise be associated with the area of the child's disappearance.

- Ensure information regarding the missing child is entered into the National Crime Information Center's (NCIC) Missing Person File within two hours of report receipt and any information about a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to use the Child-Abduction flag whenever possible.)
- Prepare flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
- Prepare reports/make all required notifications.

Supervisory Officer

- Obtain briefing and written reports from the first responding officer and other personnel at the scene.
- Decide if circumstances of the child's disappearance meet the protocol in place for activation of an **AMBER Alert** and/or other immediate community-notification systems.
- Determine if additional personnel are needed to assist in the investigation.
- Establish a command post away from the child's residence.
- Determine if additional assistance is necessary from
 - State Police.
 - Missing-Children Clearinghouse.
 - FBI.
 - Specialized Units.
 - Victim-Witness Services.
 - NCMEC's Project ALERT/Team Adam.
- Confirm all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- Verify all required notifications are made.
- Ensure all agency policies and procedures are in compliance.
- Be available to make any decisions or determinations as they develop.
- Use media including radio, television, and newspapers to assist in the search throughout the duration of the case.

Investigative Officer

- Obtain briefing from the first responding officer and other on-scene personnel.
- Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- Initiate a neighborhood canvass using a standardized questionnaire.
- Obtain a brief, recent history of family dynamics.
- Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- Collect article(s) of the child's clothing for scent-tracking purposes.
- Review and evaluate all available information and evidence collected.
- Secure the child's latest medical and dental records.
- Contact landfill management and request they segregate garbage and dumping containers from key investigative areas in cases where it is suspected there may be imminent danger to the missing child.
- Develop and execute an investigative plan.
- Conduct a criminal-history check on all principal suspects and participants in the investigation.
- Determine what additional resources and specialized services are required.
- Ensure details of the case have been reported to NCMEC.
- Prepare and update bulletins for local law-enforcement agencies, missing-children clearinghouse(s), the FBI, and other appropriate agencies.
- Establish a telephone hotline for receipt of tips and leads.
- Establish a leads-management system to prioritize leads and help ensure each one is reviewed and followed up on. **Note:** NCMEC has developed software, named the Simple Leads Management System, designed to manage and prioritize leads associated with missing-child investigations. It is available at no cost by calling NCMEC's Missing Children Division toll-free at 1-888-24-NCMEC (1-888-246-2632).

This "pocket guide" is adapted from and to be used as a supplement to *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. This guide contains additional investigative checklists and materials. To request a free copy or technical assistance for specific cases, please call the National Center for Missing & Exploited Children at 1-800-THE-LOST® (1-800-843-5678). This project was supported by Grant No. 2004-MC-0X-K002 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. Copyright © 2004 and 2006 National Center for Missing & Exploited Children. All rights reserved. National Center for Missing & Exploited Children® and 1-800-THE-LOST® are registered service marks of the National Center for Missing & Exploited Children. NCMEC Order #68.

ADDENDUM B

WISCONSIN AMBER ALERT

LAW ENFORCEMENT PROTOCOL

THE FOLLOWING PROCEDURES ARE REQUIRED FOR ALL WISCONSIN LAW ENFORCEMENT AGENCIES REQUESTING AN **AMBER ALERT ACTIVATION**.

AMBER ALERTS MUST BE REQUESTED BY THE LAW ENFORCEMENT AGENCY OF JURISDICTION.

- 1.) An investigating officer who has reason to believe a child is abducted will verify the details with the designated supervising officer on duty.
- 2.) A supervisor will determine if the criteria has been satisfied for an Amber Alert activation:
 - a.) THE CHILD IS 17 YEARS OF AGE OR YOUNGER.
 - b.) THE CHILD IS IN DANGER OF SERIOUS BODILY HARM OR DEATH.
 - c.) THERE IS ENOUGH DESCRIPTIVE INFORMATION ABOUT THE CHILD, THE SUSPECT(S) AND/OR THE SUSPECT VEHICLE(S) TO BELIEVE AN IMMEDIATE BROADCAST ALERT WILL HELP LOCATE THE CHILD
- 3.) Child must be entered into the National Crime Information Center (NCIC) database.
- 4.) If Amber Alert criteria have been satisfied, complete the following Amber Alert forms IMMEDIATELY:

#1 CHILD ABDUCTION EMERGENCY ALERT FORM
(This form requires the signature of the supervising officer on duty.)

#2 BROADCAST SCRIPT FORM
(The supervising officer will determine if the alert will be broadcast regionally, multi-regionally, statewide, and other states.)

* If your agency needs the Amber Alert forms, they can be located at the following places:

- **WISCONSIN STATE PATROL MANAGEMENT CENTER at 1-844-977-4357 (844-WSP-HELP).**
- **ALL FORMS LOCATED ON THE TIME SYSTEM**
Dispatchers can access the forms on the Time System under "Administrative Messages"

- **WISCONSIN CLEARINGHOUSE FOR MISSING & EXPLOITED CHILDREN & ADULTS** Telephone (800)THE-HOPE (800)843-4673
- **WISCONSIN DEPARTMENT OF JUSTICE WILENET WEBSITE AT WWW.WILENET.ORG**

5.) TELEPHONE the **WISCONSIN STATE PATROL MANAGEMENT CENTER** at **1-844-977-4357 (844-WSP-HELP)**. Center to request Amber Alert activation, and to verify the receipt of all faxes, emails and TTYs transmitted

6.) E-mail, fax or teletype Amber Alert forms to the **WSP** at **FAX# 414-227-2164**. AS TIME PERMITS, send the following forms to **the WISCONSIN STATE PATROL MANAGEMENT CENTER**

#3 VICTIM FORM
#4 SUSPECT FORM
#5 VEHICLE FORM

7.) **IMPORTANT:** If requested by WSP, E-mail a **photograph of the child, suspect, and/or suspect vehicle**, in JPEG (.jpg) format, to the **WISCONSIN STATE PATROL MANAGEMENT CENTER** at **1-844-977-4357 (844-WSP-HELP)**. **They will provide an email address upon reporting the incident to them**. The photos will be posted at the Amber Alert website www.amberalertwisconsin.org and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults website www.missingpersons.doj.wi.gov.

8.) As time permits, law enforcement should obtain written parent/guardian consent to release the name and photograph of the abducted child on the appropriate Wisconsin Amber Alert form.

- CHILD PHOTO AND NAME RELEASE FORM (#6)

9.) All Amber Alert **UPDATES** and **DEACTIVATIONS** must be e-mailed, faxed or sent via teletype to the Dane County Public Safety Communications Center.

- AMBER ALERT **UPDATE FORM (#7)**
- AMBER ALERT **DEACTIVATION FORM (#8)**

10.) Additional steps to be taken by your agency:

These steps will assist the media and the public in providing leads and tips to your agency.

- Designate a 24-hour telephone number
- Designate an e-mail address
- Designate a fax number
- Designate a media liaison who will coordinate information interviews and send out press releases

11.) Contact the Wisconsin Clearinghouse for Missing and Exploited Children for additional resources and services. The Clearinghouse staff and Special Agents from DCI will be assigned to provide your agency with technical, analytical and investigative assistance.

1. AMBER ALERT HOTLINE: 1-866-65AMBER

(Law Enforcement Only) 1-866-652-6237

B. Wisconsin Clearinghouse for Missing & Exploited Children Hotline:
1-800-THE-HOPE

1-800-843-4673

- 12.) Contact the 24/7 FBI Number at **414-276-4684** to obtain additional resources and services.

- 13.) Contact the National Center For Missing and Exploited Children (NCMEC) for additional resources and services.

**TELEPHONE: 1-800-THE-LOST
(1-800-843-5678)**

- 14.) Retain a copy of all Amber Alert forms, faxes, teletypes, e-mails and pertinent case information.
The Amber Alert review committee may request this information.
Every Amber Alert activation will be evaluated and reviewed by the committee.

Additional IMPORTANT Amber Alert Information:

TIME SYSTEM:

Dane County Public Safety Communications Center will send out a statewide administrative teletype message via the TIME System to notify law enforcement agencies regarding Amber Alert **activations, updates and cancellations.**

PREMIER GLOBAL SERVICES FAX/E-MAIL BROADCAST:

WSP will contact the Premier Global Services Fax Broadcast Company, which will disseminate faxes and e-mails to law enforcement and the media regarding **activations, updates and cancellations** of all Amber Alerts.

EMERGENCY ALERT SYSTEM (EAS) BROADCAST:

Emergency Alert System (EAS) broadcast will be sent out every 30 minutes for the first two hours and once for the next three hours. (A **five hour activation period**)

Amber Alert WEBSITE: www.amberalertwisconsin.org.

Your agency should be checking the Amber Alert website to ensure the posting of accurate information.

HIGHWAY MESSAGE BOARD SIGNS:

WSP will work with the Wisconsin Department of Transportation to **activate/update/cancel electronic highway message board signs.**

DIGITAL MESSAGE BOARD SIGNS:

Outdoor Advertising Association of Wisconsin will activate/update/cancel message board signs.

WISCONSIN LOTTERY:

Disseminate Amber Alert Bulletins.

EXTENDING AMBER ALERT BROADCAST:

Amber Alerts can be extended beyond the five-hour period by **telephoning** Wisconsin Department of Justice/Division of Criminal Investigation Director that approved the Amber Alert activation.

IMPORTANT: **Revisions/Updates** to Amber Alert procedures and forms can be accessed at the following sites:

- **WISCONSIN STATE PATROL MANAGEMENT CENTER** at **1-844-977-4357 (844-WSP-HELP)**.
- Time System
- Contacting the Wisconsin Clearinghouse for Missing and Exploited Children 1-800-THE-HOPE (1-800-843-4673)
- WILENET www.wilenet.org

ADDENDUM-C

Silver Alert

Law Enforcement Silver Alert Request Process

Law enforcement will request a Silver Alert by contacting **WISCONSIN STATE PATROL MANAGEMENT CENTER at 1-844-977-4357 (844-WSP-HELP)**. WSP will take the caller's name, agency, and phone number, and then contact the DCI on-call person and provide the contact information.

DCI will contact the LE caller and DCI will fill out the Silver Alert Request Form taking the information over the phone. DCI will then determine if all criteria have been met.

1. Criteria Fulfilled

a. DCI will fill out the Silver Alert Request Form with details the LE caller provides on the phone. The LE caller will be instructed to send photo(s) of the missing person(s) and vehicle (if available) to info@wisconsincrimealert.gov. *Please note that WI DOT photos cannot be used.*

b. DCI will send out Silver Alert.

2. Criteria Not Fulfilled

A Missing Endangered Alert should be sent out through the Wisconsin Crime Alert Network, and DCI will offer to send out this alert on behalf of LE agency.

Please note that during the Silver Alert process the requesting law enforcement agency does not submit any forms. All information required will be taken over the phone by DCI. As a reference, attached are copies of the forms used by DCI.

For questions regarding the Silver Alert program please contact Joe Libowsky at 608-240-3597 or libowskyjh@doj.state.wi.us

WISCONSIN DEPARTMENT OF JUSTICE
Silver Alert Information
Call Dane County Communications (608-267-3913)

Date of last contact: _____ Time: _____

Last known location: _____

Missing from (City and State): _____

MISSING PERSON'S DATA

Name _____ Medical Condition _____

Age: _____ Sex: _____ Race: _____ DOB: _____ Height: _____ Weight: _____

Eyes: _____ Hair: _____ Clothing: _____

Unique Physical Characteristics: _____

Photo of individual provided? _____

Walking Ability: Low _____ Medium _____ High _____ Notes (Devices): _____

Does the individual have a cell phone or other electronic device? _____

If so elaborate (phone#): _____

Is the individual in possession of a weapon? _____

Any indication where individual may have gone? _____

Points of interest where individual might go (interests, locations) _____

Prior residences or workplaces? _____

Name of reporting party? _____

Relationship of reporting party to missing person? _____

VEHICLE DATA

Make: _____ Model: _____ Year: _____ Color: _____

Plate-State: _____ Plate Number: _____

Any vehicle descriptors: _____

Photo of vehicle provided? _____

ADDENDUM-D

The SMPD will directly issue the Green Alert through the Wisconsin Crime Alert Network (WCAN) using the "Green Alert – Missing Veteran at Risk" form.

http://www.wisconsincrimealert.gov/Green_Alert.pdf is a representation of how the Green Alert will appear when it is broadcast over WCAN. Sending out a Green Alert is the same process for other WCAN Alerts. You will select "Green Alert – Missing Veteran at Risk" from the incident selection list.

A supervisor will make the determination when to issue a "Green Alert" through WCAN. The Wisconsin Department of Justice does not have a role in approving such alerts nor sending out these alerts.

Green Alerts are always disseminated to the general public. There may be a situation where your agency has a missing veteran at risk where for safety concerns it is inappropriate for the alert to be disseminated to the general public. Rather than issuing a Green Alert, your agency may opt for issuing an "Officer Safety" alert through WCAN, or another appropriately titled WCAN alert, where it is only sent to law enforcement and is labeled "Law Enforcement Sensitive."



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-18

INDEX AS: Search Warrants

REPLACES: G.O. 19-41

EFFECTIVE: 12-1-2019

WILEAG: 2.4.4, 6.1.7, 6.1.8

SUBJECT: Search Warrants

PURPOSE: The purpose of this General Order is to establish guidelines and procedures for the execution of search warrants.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. PROCEDURES
- III. EFFECTIVE DATE

I. DEFINITIONS

- A. Search Site: The premises or person to be searched, as explicitly stated in the search warrant.
- B. Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.
- C. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing and marking of all seized items.

D. Officer in Charge (OIC)/Incident Commander (IC):
The person in charge at the incident (must be qualified either by rank, or by specialized training commensurate to the incident). As incidents grow in size, or as additional personnel arrive with more suitable qualifications, the OIC/IC designated individual may change. The change must include a formal communication to all parties involved in the incident of the change. This person may also be a South Shore Joint Tactical Team commander (see E.)

E. South Shore Joint Tactical Team (SSJTT): The Team is not a full-time Team, but is comprised of individuals with various permanent duty assignments, which have received special training and have been assigned duties within the Team. The Team is comprised of members from Cudahy, South Milwaukee and St Francis Police Departments. The Team shall be activated whenever necessary to accomplish the goals of the SSJTT, while attempting to ensure the maximum safety of both citizens and sworn personnel.

II. PROCEDURES

A. Uniform and Equipment Requirements:

1. All officers participating in the execution of a search warrant shall be clothed in department authorized uniforms, raid jackets or vests which clearly identify them as police officers. Body cameras shall be activated.

2. [REDACTED]
3. [REDACTED]

[REDACTED]

4. **The supervisor/OIC, in consultation with Command Staff, will determine on a case by case basis** what other special equipment or weapons will be used in the search warrant
[REDACTED]

5. **The supervisor/OIC, in consultation with Command Staff, will also determine whether or not to complete the execution of the warrant** and can make the decision to use the SSJTU to make a search warrant entry if circumstances, such as heavily armed and violent subjects are reported to be on the search site, and the department does not have the manpower or level of expertise to deal with the issues that are presented. The Milwaukee County Sheriff's Department S.W.A.T. unit may be called if additional assistance is needed or if the SSJTU does not have adequate manpower or resources available.

B. Time Limits on Search Warrant Execution

1. A search warrant shall be executed as soon as practical within the conditions stated in state and federal law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to the following:
 - a. The need to have multiple searches occur at the same time, which requires coordination and mobilization of law enforcement resources.
 - b. The seizable items have not arrived at the search site.

- c. The probability that substantial resistance will be encountered or any/all other safety concerns.
 - d. A need to protect an informant's identity.
2. Search warrants shall be executed at reasonable times and in reasonable manners as required by state and federal law.

B. Preparation for Execution of Warrant

1. **Prior to the application for a non-exigent search warrant, the case officer will have a meeting with Chief and/or a Captain, to discuss the merit of the case and to determine if a search warrant will be applied for. This includes information about the type of warrant sought, manner of execution, personnel and equipment.**
2. **Prior to the application of an exigent warrant, the case officer will consult with the supervisor/OIC at that time to discuss the merit of the case and to determine if a search warrant will be applied for. Upon completion of the search warrant, the supervisor/OIC will email the Command Staff details regarding the case and the search warrant.**
3. Due to the potential risks involved in the execution of search warrants, the officer in charge of a search warrant execution shall attempt to place officers who have had specialized training and experience in conducting search warrant entries such as SSJTT members on the team that will make the entry.
 - a. If there are not enough available personnel that have this training and experience other available personnel will be used. [REDACTED]



- b. A large rectangular area of the document has been completely blacked out, obscuring several lines of text. This redaction is positioned above the letter 'b.' and below the letter 'c.'
- c. It will be the responsibility of the OIC/IC in charge of a search warrant execution to designate which officers will be entering the scene to make entry and to make the assignments as necessary.
4. Prior to executing the search warrant the OIC/IC shall conduct a pre-entry briefing of the execution process. A large rectangular area of the document has been completely blacked out, obscuring several lines of text. This redaction is positioned above the letter '4.' and below the letter '5.'
5. The OIC/IC will attempt to determine if any circumstances have changed that make executing the search warrant at this time undesirable.

6. The OIC/IC shall ensure that the entire execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs and/or video images.
7. Any special use of force considerations will be discussed and highlighted during the pre-search warrant briefing.

D. Entry Procedures

1. [REDACTED]
2. The OIC/IC shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the same property that is listed on the warrant.
3. [REDACTED]
4. [REDACTED]
5. The OIC/IC shall ensure that all notifications necessary to satisfy “knock and announce” requirements are made before forcibly entering a search site. “No knock” entries will be made

as authorized by current state and federal law, **but need approval of the Chief of Police or a Captain to execute.**

6. Prior to conducting any searches the OIC/IC will ensure that all areas of the search site, as authorized by the search warrant, is secure and the person(s) present at the search site are detained. The decision of what level of force is used or whether or not to restrain the person(s) present at the search site will be made by the officers present, based on the totality of the circumstances and in accordance with General Order ORG - 7, Use of Force and as well as state and federal Law.
7. There may be times and circumstances where the SSJTT is not used for the execution of a search warrant and the warrant is executed by the investigating officer(s) and other on-duty personnel. Such decisions will be made by the OIC/IC.
[REDACTED]

E. On Premises Activities

1. After the search site is secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
2. [REDACTED]



3. If any damage occurs during the entry or search, such damage will be documented in the incident reports submitted with regard to the investigation and supported by photographs
4. If damage was caused during the entry to the search site and the damage results in the search location no longer being able to be secured from unauthorized entry the OIC/IC- shall ensure that the damage is temporarily fixed so the building can be secured (using screws, nails, etc.) or arrangements shall be made to guard the search site until it can be turned over to an authorized resident, owner, or caretaker.

III. EFFECTIVE DATE

The effective date of this order is March 12, 2020

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-15

INDEX AS: Electronic Recording

REPLACES: G.O. 15-23

WILEAG: 1.7.2

EFFECTIVE: 12-01-2015

SUBJECT: Electronic Recording of Custodial Statements

PURPOSE: The purpose of this General Order is to establish guidelines for electronic recording and the associated use, management, storage, and retrieval of recordings of custodial questioning. Further, this policy is intended to ensure that the highest quality evidence possible is obtained from custodial interviews.

POLICY: Electronic recording provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. To maximize the effectiveness of electronic recording and the integrity of audio/video documentation, officers shall adhere to the operational objectives and protocol outlined in this policy.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. EFFECTIVE DATE

I. DEFINITIONS

- A. Recorded Media: Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, etc).
- B. Electronic Recording: A visual and/or audio recording using digital

or analog storage format.

- C. Digital Recording: An electronic recording typically stored on a CD, DVD or microchip.
- D. Analog Recording: An electronic recording typically stored on a VHS, cassette or micro-cassette tape.

II PROCEDURES

- A. Electronic recording is intended:
 1. To accurately capture statements and events during the course of custodial questioning;
 2. To enhance the ability to document and review statements and actions for internal reporting requirements and for courtroom preparation and presentation;
 3. To capture visual and/or audio information for use in current and future investigations;
 4. To document acknowledgement of and rigid adherence to the suspect's rights and to the law;
 5. To allow the questioning process to become part of the Investigation's collection of information, rather than simply a means to secure an admission or a confession;
 6. To allow the opportunity to review the process that led to the confession or admission; and
 7. To preserve the integrity of officers and the investigative process.
- B. When possible and practical, electronically record all custodial questioning. Recording should begin at the start of the questioning and continue without interruption until the questioning ends. Recording may not be possible if:
 1. The recording device does not work and there is no other device reasonably available;
 2. The officer operating the recording device inadvertently fails to operate it properly;

3. During the interrogation, the recording device malfunctions without the officer's knowledge; or
4. A person makes a statement to law enforcement spontaneously or in response to a routine booking question.

C. It is the responsibility of the Department to ensure that audio and/or video recording equipment is available and properly set up according to manufacturer's recommendations.

D. Personnel are responsible for inspection and general maintenance of the equipment assigned.

E. Malfunction, damage or theft of equipment shall be promptly reported to the officer's immediate supervisor.

F. Recording is **mandatory** for:

1. Any custodial interrogation of juveniles (persons under 17 years of age) for an offense that could be a crime if prosecuted under state statute;
2. Any custodial questioning of adults (persons 17 years of age and older) for a crime that is a felony; and
3. Any other situation or incident that the officer, through training and experience, believes should be audibly and/or visually recorded.

G. Operation of equipment

1. To help ensure accuracy and consistency of accounts, officers shall review recordings when preparing written reports.
2. With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with the recording;
3. Officers shall not erase, alter, reuse, modify, or tamper with recordings. Only a supervisor or person charged with the maintenance of Department computers and recording media may erase and reissue previously captured recordings and

even then may only do so pursuant to the provisions of this policy.

4. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued by or authorized by those persons charged with the maintenance of Department computers and electronic equipment.
5. Recordings shall be logged in the property module of Phoenix, marked as evidence, and stored in the evidence room to be held unless removed for duplication or for criminal prosecution.
6. Except as previously noted, when recording equipment is activated to document an event, the equipment shall not be deactivated until the event has been concluded.

H. Duplication of the recording media

1. All recording media, recorded images and audio recordings are the property of the South Milwaukee Police Department.
2. Dissemination of any audio and/or video recording outside of the agency is strictly prohibited without specific written permission of the Chief of Police or the Chief's designee.
3. To prevent damage to, or alteration of the original recorded media, the media shall not be copied, viewed, or otherwise inserted, into equipment not authorized and approved by the Department.
4. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts (unless otherwise directed by the court) to preserve the original media in pristine condition.
5. At the conclusion of trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted as evidence with the original for retention and storage, if such copies are returned to the Department by the courts.

- I. Giving notice or obtaining consent for recording
 - 1. Law enforcement authorities are not required to inform adult or juvenile suspects that they are being recorded during interviews.
 - 2. Lack of consent to recording does not affect the admissibility of a recorded statement.
 - 3. Giving notice of recording can foster trust in law enforcement.
 - 4. Officers should trust their discretion as to whether a particular suspect is likely to be inhibited by notice of recording.

- J. Written reports, statements, and summaries, of interviews:
 - 1. Electronic recording is not a substitute for traditional methods of memorializing interviews. Defendants might not dispute the questioner's version of what occurred during an interview, and some cases might therefore be resolved based on written reports or statements alone, minimizing the costs of copying or transcribing recordings.
 - 2. Written statements are important because they can provide clear and concise evidence of guilt. Statements also tend to demonstrate that incriminating statements were made voluntarily. It is not necessary for written statements to include all the details of an interview, it is sufficient to summarize the relevant portions.

II EFFECTIVE DATE

The effective date of this order is August 13, 2018

William R. Jessup
Chief of Police



ORG 29.1

SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-35

INDEX AS: Officer Involved Death Investigation

REPLACES: G.O. 16-37

EFFECTIVE: 07-01-2016

WILEAG: 1.6.1, 1.6.2, 5.1.2, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 6.2.7, 6.2.8, 6.3.8

SUBJECT: Officer Involved Death Investigation

PURPOSE: The purpose of this General Order is to provide guidelines for the investigation of all officer-involved deaths and other incidents where serious injury that may cause death has resulted from an officer's actions (Wisconsin State Statute 175.47(1)(c)).

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. INCIDENT PROCEDURES
- IV. LEAD INVESTIGATOR RESPONSIBILITIES
- V. ADMINISTRATIVE REVIEW
- VI. SUPPORT OFFICER
- VII. POST SHOOTING TRAUMA
- VIII. POST INCIDENT PROCEDURES
- IX. EFFECTIVE DATE

I. DEFINITIONS

- A. Law Enforcement Agency: a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority (Wisconsin State Statute 165.83(1)(b)).
- B. Law Enforcement Officer: any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce (Wisconsin State Statute 165.85(2)(c)).
- C. Officer-Involved Death: a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his/her law enforcement duties (Wisconsin State Statute 175.47(1)(c)).
- D. Lead Investigator: the person in charge of the investigation, who plays a principal, guiding role. The Lead Investigator has the statutory authority to oversee and direct the investigation. The Lead Investigator is responsible for the investigation and has hands-on leadership of the investigation activities.
- E. Involved Officer: an officer of the Department that has been involved in a deadly force incident. An involved officer can also be a witnessing officer that was on-scene but may not have used force.
- F. Support Officer: a member of the Department that the involved officer(s) requests to assist them through the incident. Support officers cannot be another involved officer.
- G. Police Officer Support Team (P.O.S.T.): a team of officers from the Department that have been trained in speaking with officers involved in stressful incidents. The P.O.S.T. can be requested for involved officers.
- H. Post-Traumatic Stress Disorder: an anxiety disorder that can result from exposure to short-term severe stress, or long term

buildup of repetitive and prolonged milder stress.

II. POLICY

- A. It is the policy of the Department to require that an investigation of any officer-involved death or serious injury that may cause death be conducted by at least two investigators, one of whom is the Lead Investigator and neither of whom are employed by the South Milwaukee Police Department (Wisconsin State Statute 175.47(3)(a). The Department will utilize the Milwaukee County Law Enforcement Executives Association MOU – Investigation of Law Enforcement Involved Fatalities/Great Bodily Harm (Addendum A).
- B. If the officer-involved death or serious injury that may cause death being investigated is traffic-related, it is the policy of the Department to utilize a crash reconstruction unit from an outside law enforcement agency (Wisconsin State Statute 175.47(3)(b). The South Milwaukee Police Department will request the Wisconsin State Patrol Crash Reconstruction Unit.
- C. The Department reserves the right to conduct an internal investigation into the officer-involved death. However, any such internal investigation will not interfere with the investigation being conducted by the outside investigating agency (Wisconsin State Statute 175.47(3)(c).

III. INCIDENT PROCEDURES

The following procedures shall be followed when an officer is involved in an incident where deadly force causes death or serious bodily injury either to the officer or another person.

- A. The involved officer shall take those measures that are reasonably possible and appropriate to protect their safety, maintain security of the offender, and to preserve evidence essential to the investigation. At a minimum, the following should be accomplished immediately after the incident:
 - 1. Secure the area: determine if the scene/incident is safe – no threat(s) still present.
 - 2. Advise the Communications Center of the incident:

- a. location;
 - b. what has occurred (shots fired, etc.);
 - c. officer/offender status (injured or uninjured and type of injuries)
 - d. request EMS if necessary, render medical assistance as needed;
 - e. relay information on fleeing suspects, if applicable;
3. Call for a supervisor and additional officers as needed.
4. After the threat is over holster all involved handguns and secure them in place as evidence. Secure long guns in the casing they were initially retrieved from. **DO NOT** open, reload, remove shell casings, or in any other manner tamper with involved firearms.
5. Secure and separate offender(s) and witness(es).

B. A supervisor shall be notified and summoned to the scene of the incident, and shall assume primary responsibility in caring for involved personnel.

1. If a supervisor is not on duty, one will be called in to take command of the incident.
2. If a supervisor is involved in the incident, a second supervisor will be called in to take command of the incident. The scene will be turned over to a senior officer until relieved by higher command.
3. The supervisor will work closely with and assist the Lead Investigator.

C. While the Lead Investigator will eventually respond and take charge of the investigation responding officer(s)/on duty supervisor are responsible for the initial response. The responding officer(s)/on duty supervisor shall ensure that at a minimum, the following is accomplished:

1. Scene protection: the scene is secure and stabilized to include a perimeter that is secure and does not contain

contamination by citizens, media, or unnecessary police personnel.

- a. The inner perimeter is secured with “red” crime scene tape.
- b. The outer perimeter is secured with “yellow” crime scene tape.
- c. The South Milwaukee Police Department will maintain scene security and crowd/traffic control throughout the investigation.
- d. Begin assembling information for a search warrant to search the crime scene.

2. Determine the condition of the officer(s), suspect(s) and/or third parties. Relieve the involved officer(s) from first aid responsibilities as soon as practicable. Summon EMS if not done already.
3. As soon as practicable, relieve the involved officer(s) of any further responsibilities at the scene.
[REDACTED]
[REDACTED]
[REDACTED]
a. Absent extraordinary circumstances, ensure the involved officer(s) maintain his/her weapon in holster.
 - 1). Secure magazines, back-up secondary weapons.
 - 2). Secure body worn camera.
 - 3). Secure less lethal (i.e.: ECDs and spent cartridges, if involved).
 - 4). Cell phone, if involved.
 - b. Ensure the involved officer(s) are assigned a Support Officer. If the Support Officer is not already on scene, an officer should be assigned to remain with the involved officer(s) until the Support Officer arrives.
4. Obtain a basic preliminary statement from the involved

officer(s).

- a. Make inquiries to find out what transpired/obtain a sense of what took place, as well as the size and scope of the scene, in order to manage the investigation and secure the scene.
 - 1). This may include a “walk-through” in order to obtain a better picture of the scope of the scene as well as the location of potential evidence.
 - a. The information gained will be shared with the Lead Investigator and/or designee upon their arrival.
- b. “Public Safety Questions” (Addendum B) will be asked.

5. Establish a Command Post location and staging area. Maintain incident command status and responsibilities unless relieved by proper authority. The supervisor shall work with responding investigators to provide the necessary information.
6. If the suspect(s) is still at large obtain a description and request personnel to initiate the search.
7. Protect evidence from loss, destruction or damage. Identify and control evidence that could be lost.
 - a. Stop recording on in-squad audio/video systems when evidentiary value for the incident no longer exists. The squad(s) will not be placed “back in service” until the video/audio is recovered from the recorder.
8. Identify, separate and secure witnesses.
9. Appoint a “recorder” to make a chronological record of activities at the scene to include:
 - a. Person(s) present
 - b. Actions taken by police personnel

- c. Identity of any personnel who entered the incident/crime scene, to include EMS personnel.
- 10. Make proper notifications.
 - a. Chain of Command - The Chief of Police or their designee will arrange for the Milwaukee Police Department to conduct the investigation (Addendum A). Notification to the Milwaukee Police Department Technical Communications Division at (414)935-7472. The following information shall be provided to M.P.P. at the time of notification:
 - 1). Type of scene/scenario
 - 2). Location of scene(s) – i.e.: indoor/outdoor scene
 - 3). Number of victims/suspects
 - 4). Contact name and phone number
 - 5). Location of Command Post
 - b. Milwaukee County District Attorney's Office
 - c. Milwaukee County Medical Examiner, if necessary
 - d. Chaplain/P.O.S.T.
- D. Removing the involved officer(s) from the scene shall follow the following guidelines:
 - 1. The Lead Investigator(s) shall be in charge of the investigation and will determine level of cooperation between them and the SMPD.
 - a. The Lead Investigator will assign a Milwaukee Police Department Detective to the involved officer(s).
 - 2. The involved officer(s) shall be transported as soon as feasible to the hospital for evaluation.
 - 3. The Support Officer will accompany and remain with the

involved officer(s).

- a. Absent extraordinary circumstances, the involved officer(s) shall maintain his/her weapon in holster. The Support Officer will secure all equipment of the involved officer(s). The equipment shall be left in the identical condition as when it was secured. No weapon will be unloaded or changed in condition. The Lead Investigator will be consulted as to whether the weapon is needed for evidence.
- b. The Milwaukee Police Department Detective who is assigned to the involved officer(s) will photograph the officer involved as he/she is before taking clothing for evidence purposes.

4. The Administration & Services Captain or their designee will ensure that all necessary steps are taken consistent with the Department's Drug & Alcohol Testing Policy regarding "Post Accident/Incident" test procedures (III.O). The involved officer(s) shall be served with the Notification for Required Drug/Alcohol Testing form.
5. Arrange to have the involved officer(s) contact family.
6. The Chief of Police or designee shall if feasible, personally go to the home of the involved officer(s) making notification to family members and providing transportation to the hospital or other location as required.
7. The involved officer(s) statements will be taken after 2/3 sleep cycles.
 - a. Unless there is clear evidence of a crime, involved officer(s) will be interviewed as victims and/or witnesses, no Miranda Warnings are necessary.
 - b. Officer(s) who have been interviewed are not to file any reports.
 - c. Whenever practicable, the involved officer(s) should only give one formal statement with all relative parties present.
8. After medical evaluation and treatment (if required), the

Support Officer shall transport the involved officer(s) to his/her home. Under no circumstances will the officer be permitted to drive him/herself home.

9. The involved officer(s) weapon will be replaced with another when it is retained for evidence. The involved officer(s) who discharges their firearm during a deadly force incident shall be required to re-qualify as soon as practical.
10. The involved officer(s) should be advised not to discuss the incident with anyone except a personal or Department attorney, labor representative, medical professional, clergy or assigned investigator, until the conclusion of the preliminary investigation. This does not prohibit the involved officer(s) from discussing the incident with their spouse.

E. The Chief of Police or designee should brief other Department members as soon as possible concerning the incident so that rumors are kept to a minimum. Department members are not permitted to speak with the media about the incident or the involved officer(s).

IV. LEAD INVESTIGATOR RESPONSIBILITIES

- A. The Lead Investigator should, take possession of all evidence, take statements of witnesses, interview officers as appropriate, and be the primary, but not exclusive contact for prosecutors (Addendum C – Milwaukee County Officer-Involved Death Investigation Standard Operating Procedures).
 1. The South Milwaukee Police Department supervisor will provide a general briefing and “walk-through” of the scene regarding the circumstances of the incident to the Lead Investigator.
 - a. Type of scene/scenario
 - b. Location of the scene(s) – indoor/outdoor scene
 - c. Number of victim(s)/suspect(s) – (in custody)
 - d. Location of any victim(s)/suspect(s)
 - e. Location of any witnesses (remain on scene but

separated)

- f. Location of the involved officer(s)
- g. Search warrant status
- h. Location of the Command Post

V. ADMINISTRATIVE REVIEW

- A. An administrative review of the incident will be conducted by the Chief of Police or designee.
- B. The purpose of the review will be twofold: to determine whether the involved officer(s) followed established policy, procedure and training, and to determine if any future policy, procedure or training recommendations are necessary.
- C. The administrative review will begin once the criminal investigation has been completed, unless directed otherwise by the Chief.

VI. SUPPORT OFFICER:

- A. A Support Officer should be assigned as soon as possible.
- B. A Support Officer can be any officer on the Department requested by the involved officer who is not involved in the incident.
- C. The Support Officers duties include:
 - 1. Not discuss the specific details of the incident with the involved officer but be a good listener;
 - 2. Stay with the involved officer and assist him/her with initial needs that come up;
 - 3. Ensure weapon(s) have not been tampered with after the incident.
 - 4. Serve as a liaison between the involved officer and the Lead Investigator;
 - 5. Assist the involved officer in contacting necessary, people such as family members;

6. Escort the involved officer to assigned locations he/she may be asked to go to, i.e., hospital, police station;
7. Stay with the involved officer as long as needed.

VII. POST SHOOTING TRAUMA

- A. Supervisory, investigative and other sworn and non-sworn employees shall be familiar with and follow provisions established by the Department in policy on dealing with critical incident emotional trauma in police personnel.
- B. All personnel shall be familiar with the provisions of the Department's policy on employee mental health services and should avail themselves of these services following a critical incident where appropriate.
- C. As post-traumatic stress disorders may not arise immediately, or the officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of department or shift members for symptoms of the disorder.

VIII. POST INCIDENT PROCEDURES

- A. The involved officer(s) shall be placed on Administrative Leave by the Chief of Police or designee during the investigation of the incident and or until such time as the investigation is completed. The officer(s) shall be available for departmental interviews and statements regarding the incident and subject to recall duty.
- B. All officers directly involved in the incident will be required as soon as practical after the incident to attend a counseling/evaluation session with an approved specialist. Details of the evaluation will remain confidential and will not be shared with the Department.
 1. The counseling/evaluation session will be available for the involved officer(s) family.
- C. The Department will brief other agency members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officer(s) their concern, however are discouraged from asking specific questions about the incident.

- D. All media releases will be made by the Chief of Police or his/her designee. All other Department personnel are not permitted to speak with the media about the incident. The Milwaukee County Law Enforcement Executives Association "Media Statement Template" will be utilized (Addendum D).
- E. The results of the investigation will be submitted to the District Attorney's Office for review by the Lead Investigator. The District Attorney's Office will determine if criminal charges will be filed. If the District Attorney determines there is no basis to prosecute the involved officer(s) the Lead Investigator shall release the report (Wisconsin State Statue 175.47(5)(b)).
- F. The "Victim's Rights Pursuant to Chapter 950 Wisconsin Statutes Officer Involved Death" form will be provided at the conclusion of the investigation (Addendum E).
- G. Upon completion of the criminal investigation, the Chief of Police may order a separate Internal Affairs Investigation to determine whether the involved officer(s) violated any department rules, regulations or policies. The Internal Affairs Investigation shall be completed by the Administration & Services Captain.
- H. Prior to being released to active duty, the involved officer(s) will re-qualify with their firearm.

IX. EFFECTIVE DATE

The effective date of this order is August 12, 2019.

William Jessup
Chief of Police

- ADDENDUM A: Milwaukee County Law Enforcement Executives Association MOU – Investigation of Law Enforcement Involved Fatalities/Great Bodily Harm
- ADDENDUM B: Public Safety Questions
- ADDENDUM C: Milwaukee County Officer-Involved Death Investigation Standard Operating Procedures
- ADDENDUM D: Milwaukee County Law Enforcement Executives Association "Media Statement Template"
- ADDENDUM E: Victim's Rights Pursuant to Chapter 950 Wisconsin Statutes Officer Involved Death



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-40

INDEX AS: Internet Crimes Against Children [REDACTED]

REPLACES: G.O. 17-16

EFFECTIVE: 01-18-2017

WILEAG:

SUBJECT: Internet Crimes Against Children/ [REDACTED]

PURPOSE: The purpose of this General Order is to provide for supervisory systems and procedures that shall provide for observation, documentation, and periodic review of Internet Crimes Against Children (ICAC) activity [REDACTED]. Such systems should comply with the principles of quality case management and ensure that ICAC activities comply with both department and ICAC Operational and Investigative Standards.

POLICY: It is the policy of the South Milwaukee Police Department that the ICAC [REDACTED] used to aid in certain types of investigations. The use [REDACTED] will be limited to certain investigators and for certain types of cases and investigations. Case management [REDACTED] [REDACTED] will be monitored by the Investigations Supervisor.

This order consists of the following numbered sections:

- I. SELECTION AND RETENTION OF ICAC INVESTIGATORS
- II. CASE MANAGEMENT
- III. RECORD KEEPING
- IV. UNDERCOVER INVESTIGATIONS

V. EVIDENCE PROCEDURES

VI. WORKSPACE AND EQUIPMENT

VII. EFFECTIVE DATE

I. SELECTION AND RETENTION OF ICAC INVESTIGATORS

- A. South Milwaukee Police Officers assigned to conduct ICAC [REDACTED] investigative work via the internet will consist primarily of officers assigned to the Investigations Section as both Investigators and Juvenile Officers. Other officers may be assigned as needed taking into consideration: the officer's work history, prior investigative experience, court testimony skills, the ability to handle sensitive information prudently, a genuine interest in the protection of children, and an understanding of the harmful effects of unlawful images.
- B. Given the graphic nature of the evidence routinely encountered in ICAC related investigations, the mental health of all personnel involved in such cases is a concern. The supervisor(s) of officers involved in ICAC [REDACTED] [REDACTED] internet investigations will inform these officers about the City of South Milwaukee Employee Assistance Program available to them.
- C. To ensure the well-being of officers involved with ICAC related child sexual exploitation investigations the following will be in place:
 - 1. Preparation for employees – An interview process to educate officers assigned to conduct ICAC investigations will occur before becoming involved in these investigations.
 - 2. Education of officers - All officers will be educated that the viewing of child sexual abuse images is a serious and stressful undertaking that should be restricted to only those needed to view it
 - 3. Training – Officers routinely involved in ICAC investigations will be encouraged to attend training that discusses the specific stressors associated with the exposure to images or videos depicting child sexual abuse.

II. CASE MANAGEMENT

- A. Cases may be initiated by referrals from [REDACTED], Internet Service Providers, other law enforcement agencies, information gathered through subject interviews, documented public sources, direct observations of suspicious behavior, public complaints or by any other source acceptable

under South Milwaukee Police Department policies.

B. The Investigations Supervisor is responsible for determining investigative priorities and selecting cases for investigation. Assuming the information received is deemed credible, the determination should begin with an assessment of victim risk and should consider other factors such as jurisdiction and known offender behavioral characteristics. The following factors should be considered:

1. A child is believed to be at immediate risk of victimization.
2. A child is vulnerable to victimization by a known offender.
3. A known suspect is aggressively soliciting a child.
4. Manufacturers, distributors or possessors of images appear to be home photography with domiciled children.
5. Aggressive, high-volume unlawful images, contraband images, images depicting sexual exploitation of minors, manufacturers or distributors who either are commercial distributors, repeat offenders, or specialize in sadistic images.
6. Manufacturers, distributors and solicitors involved in high-volume trafficking or belong to an organized group sharing unlawful images, images depicting the sexual exploitation of minors ring that operates as a criminal conspiracy.
7. Distributors, solicitors and possessors of unlawful images, contraband images, images depicting the sexual exploitation of minors.
8. Any other form of technology facilitated child sexual victimization.

III. RECORD KEEPING

- A. All records regarding ICAC [REDACTED] investigations involving internet and other computer technology shall be maintained in the Department Record Management System (RMS).
- B. A call/case event will be made so that each case has a unique call and case number assigned.
- C. To maintain the confidentiality and integrity of each case the permissions in each call record shall be restricted by the Investigations Supervisor to only those personnel that have a need to access it. As an affiliated

agency to the ICAC Task Force, the Investigations Supervisor will report our ICAC activity to the Task Force Commander by the 10th of each month using the ICAC Monthly Performance Measures Report.

IV. UNDERCOVER INVESTIGATIONS

- A. Carefully managed UC operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing ICAC offenses.
- B. The supervisor of the Investigations Section is responsible for ensuring that all persons involved in ICAC and UC internet and computer investigations receive a copy of the ICAC Standards.
- C. ICAC and other UC internet and computer related investigations will be conducted in a manner consistent with the principles of law and due process.
- D. The following are the minimum standards that apply to officers involved in ICAC and other UC internet and computer investigations:
 1. Only sworn personnel shall conduct ICAC or other internet and UC computer related investigations. Private citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in an online UC capacity.
 2. Officers involved in ICAC or other internet or UC computer related investigations shall not electronically upload, transmit, or forward any contraband. This does not prohibit the transfer of evidence between law enforcement officials as provided in section V.D.
 3. Other than images or videos of individuals age 18 or older, which have provided their informed written consent, and at the time the consent was given were employed by a criminal justice agency, no actual human images or videos shall be utilized in an investigation. Employee is defined as sworn, or compensated individual, or any individual working under the direction and control of a law enforcement agency.
 4. [REDACTED]

5. All UC activities shall be recorded and documented.
 - a. Each UC persona shall be given its own case number in the RMS.
 - b. Each targeted or suspect individual or computer profile will be given its own case number in the RMS.
 - c. To protect the confidentiality of these records the permissions in each call record shall be restricted by the Investigations Supervisor to those officers on a need to know basis.
[REDACTED]

V. EVIDENCE PROCEDURES

- A. The storage, security, and destruction of investigative information for ICAC and UC computer investigations will be consistent with General Orders ADM-4: Evidence/Property Control and ORG-17: Investigations Section.
- B. The examination of computers and digital media will be consistent with the principals of law and due process.
- C. Unlawful images or images depicting the sexual exploitation of minors are considered contraband and will be treated as such and handled according to department policy. Absent a court order specifically ordering evidence containing unlawful images, contraband images, and images depicting the sexual exploitation of minors shall not be released to any defendant or representative thereof.
- D. The transfer of evidence containing unlawful images, contraband images, and images depicting the sexual exploitation of minors among law enforcement shall be done in a secure manner. Methods of transfer may include hand-delivery, electronic transmission of digitally protected files, and delivery by service that tracks the shipment or other methods that are secure.

VII. WORKSPACE AND EQUIPMENT

- A. ICAC and UC computer equipment will be reserved for the exclusive use of designated personnel while in the designated location.
 1. All ICAC and other UC computer operations will be conducted on

the designated equipment.

2. No other department, city owned, or personally owned equipment shall be used in these investigations.

B. [REDACTED], [REDACTED] accounts will not be used for personal or other police related business.

C. To ensure the integrity of investigations and officers, in addition to being logged out on the appropriate call record, officers will advise an on-duty supervisor/OIC

[REDACTED]

VII. EFFECTIVE DATE

The effective date of this order is April 30, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-10

INDEX AS: Trespass to Dwelling

REPLACES: 16-26

EFFECTIVE: 05-02-2016

WILEAG: *6.1.11*

SUBJECT: Trespass to Dwelling

PURPOSE: The purpose of this General Order is to establish procedures for members of the South Milwaukee Police Department regarding the investigation of complaints alleging a violation of Trespass to Dwelling

POLICY: Pursuant to WI. State Statute 175.403, it shall be the policy of the South Milwaukee Police Department that if an officer has probable cause to arrest a subject for a violation of WI. State Statute 943.14, that minimally the subject shall be removed from the dwelling.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. PROCEDURES
- III. EFFECTIVE DATE

I. DEFINITIONS

- A. Criminal Trespass to Dwelling: Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace,

WI State Statute 943.14(2).¹

- B. Dwelling means a structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident (WI State Statute 943.14(1)).

II. PROCEDURES

- A. All cases of alleged criminal trespass to dwelling will be thoroughly investigated.
- B. Officers shall make reasonable efforts to use professional communication skills to affect cooperation prior to forcibly removing a subject from a dwelling.
- C. If an officer has probable cause to arrest a subject for a violation of WI State Statute 943.14, and the subject refuses to leave the dwelling or property, the subject may be subject to physical arrest and transported to the CJF for charges or booked and released from custody at the SMPD with a referral made to the Milwaukee County District Attorney's Office for review, based upon the totality of the circumstances.
- D. In all cases, investigations will be documented in an incident report.

III. EFFECTIVE DATE

The effective date of this order is January 28, 2019

William Jessup
Chief of Police

¹ Officers should exercise care to insure that a complaint of criminal trespass is not being used as a substitute for eviction. Where the parties have created a tenant/landlord relationship by the exchange of money for occupancy, that relationship cannot be severed merely by withdrawing consent to continue the occupancy and can only be terminated through eviction procedures. Tenant/landlord relationships can be created by oral or written agreements to permit another to occupy a dwelling (shared or otherwise) in exchange for periodic payments. However, a mere guest is not a tenant and the guest's privilege to occupy the premises may be terminated at any time by withdrawing consent. In case of doubt, contact the City Attorney.