



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-02

INDEX AS: Operation of Emergency Vehicles
High-Speed Pursuit
Escorts

REPLACES: G.O. 17-41
EFFECTIVE: 12-12-2017

WILEAG: 1.7.6, 5.1.2, 6.1.3, 6.1.4, 6.1.6, 6.2.10, 6.2.11, 9.1.6, 9.1.7

SUBJECT: Operation of Emergency Vehicles

PURPOSE: The purpose of this General Order is to establish guidelines for emergency operation of vehicles in accordance with the provisions of Wisconsin State Statutes 346.03 and 165.85 and to promote the safety of both police officers and the public. It is also to establish procedures for making decisions with regard to vehicle pursuits.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. USE OF SEAT BELTS
- III. USE OF AUTHORIZED EMERGENCY EQUIPMENT ON POLICE VEHICLES
- IV. OPERATION OF EMERGENCY VEHICLES
- V. CONSIDERATIONS
- VI. EMERGENCY RESPONSE
- VII. RESPONSE TO CRIMES IN PROGRESS
- VIII. HIGH-SPEED PURSUIT
- IX. ROAD BLOCKS

X. DEADLY FORCE

XI. VEHICLE ESCORTS

XII. IN MEMORIAM

XIII. RE-EVALUATION DATE

VX. EFFECTIVE DATE

I. DEFINITIONS

A. Authorized Emergency Vehicle: Wisconsin State Statute 340.01(3a) - Police vehicles, whether publicly or privately owned. An agency vehicle equipped with operable emergency equipment designated by state law. Police vehicles include bicycles being operated by a law enforcement officer.

B. Tire Deflation Device "Stop Stick" Temporary Roadblock: A portable device intended to deflate pneumatic tires.

C. Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who actively is attempting to elude the police.

D. Primary Officer/Unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

E. Roadblock: a deliberate obstruction by physical means at one or more locations on the roadway.

II. USE OF SEAT BELTS

Officers and passengers are required to utilize seat belts when operating any emergency vehicle, in accordance with the provisions of Wisconsin State Statute 347.48(2m).

III. USE OF AUTHORIZED EMERGENCY EQUIPMENT ON POLICE VEHICLES

A. All department vehicles used for patrol or investigative purposes shall be equipped with authorized emergency equipment.

B. A supervisor may authorize the use of vehicles not equipped

with emergency lights or siren. Officers utilizing such vehicles shall not drive in a manner that would otherwise require the use of emergency equipment.

- C. Officers shall use red and blue emergency lights and siren whenever engaged in emergency driving or pursuit driving with the exception of gathering evidence of speeding violations or silent responses to felony in progress calls as authorized in state statutes and this policy.
- D. Emergency lighting alone may be used to effect a simple traffic stop. However, the siren shall be engaged if the target vehicle fails to respond, increases speed or otherwise fails to obey the initial signal to pull to the side of the road.
- E. Alternating headlights and 4-way hazard warning lights may be used in conjunction with, but not in lieu of authorized emergency lighting or equipment.
- F. "Take-down" spotlights, side "alley" lights and hand-held spotlights may be used by officers at their discretion for visibility purposes but should not be used so as to blind or obstruct the vision of other motorists.
- G. If necessary, the public address system on police vehicles may be used by officers at their discretion for enhanced communications over distances.

IV. OPERATION OF EMERGENCY VEHICLES

- A. In accordance with Wisconsin State Statute 346.03 the operator of an authorized emergency vehicle may:
 - 1. Stop, stand, or park, irrespective of Wisconsin State Statutes Chapter 346, but only when the operator of such vehicle is giving visual signal by means of at least one flashing, oscillating or rotating red light.
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - 3. Exceed the speed limit.
 - 4. Disregard regulations governing direction of movement or turning in specified directions, but only

when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in section IV.B.

- B. A law enforcement officer operating a police vehicle may exceed the speed limit without giving audible and visual signal under the following circumstances:
 - 1. If the officer is obtaining evidence of a speeding violation, or
 - 2. If the officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:
 - a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
 - b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
 - c. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
 - d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.
- C. The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of their reckless disregard for the safety of others.

V. CONSIDERATIONS

In all cases, when an officer decides to exercise the exemptions provided under Wisconsin State Statute 346.03 they shall consider the following factors and will drive accordingly:

- A. Time and Day- Emergency response occurring during a time when there is a high level of business, school, or other activity are deemed as more hazardous than those occurring during periods of low activity.
- B. Volume of Vehicular Traffic- Emergency response occurring during periods of heavy traffic flow are deemed more hazardous than those occurring at other times.
- C. Density of Population- Emergency response through residential areas or along streets near or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
- D. Weather Conditions- Emergency responses during periods of inclement weather, which restricts visibility, is viewed as more hazardous than during good weather.
- E. Road Conditions- Snow, ice, pavement defects, and other obstructions will make emergency response more hazardous.
- F. Severity of Reported Crime- The exercise of emergency response exemptions are more justifiable when responding to serious crimes or serious threats to public safety than when responding to less serious incidents.
- G. Volume of Pedestrian Traffic- Emergency response occurring in areas where pedestrian traffic is heavy is viewed as more hazardous than at times when it is light or absent.
- H. Intersections- When operating an emergency vehicle under the exemptions of Wisconsin State Statute 346.03, officers shall slow upon approaching an intersection and be prepared to stop if necessary. When proceeding past a red or stop signal or stop sign, officers shall proceed at speeds, which enable them to yield to any vehicle(s) with the right of way.
- I. Unmarked Police Vehicles- Unmarked vehicles present a greater hazard than marked vehicles when operating under the exemptions of Wisconsin State Statute 346.03. Operators of unmarked emergency vehicles shall use extreme caution when utilizing these exemptions.

VI. EMERGENCY RESPONSE

- A. An emergency is defined as a situation in which there is a high probability of either death or personal injury to an individual or serious property damage, and prompt action by a law enforcement officer may avert or reduce the seriousness of the incident. An emergency is an occurrence which calls for officers to use patrol vehicles as emergency vehicles.
- B. Officers receiving the request for service will consider the following response code guidelines (examples provided) in making a determination as to the appropriate level of response. The three response codes that will be considered are defined as follows:

- C. The officer(s) dispatched to an emergency will be driving the primary response unit(s).
- D. Non-dispatched officers may proceed to the emergency, but will use a [REDACTED] response. Non-dispatched officers may advise dispatch if they are closer to the call and should then advise that they will be responding using an emergency mode. [REDACTED]
- E. Officers should utilize their radio to inform other units of their location and direction of travel to the emergency.

VII RESPONSE TO CRIMES IN PROGRESS

A. An appropriate response to a crime in progress is a concerted effort put forth by both the officers and telecommunicators in a number of specific areas. The object of this policy is to guide the officer's approach to the scene of a crime in a safe and efficient manner, armed with as much information as possible concerning the incident. The telecommunicator's role is to be an effective coordinator

of the Department's response to the crime in progress and a key source of information to the responding officers.

B. Under most circumstances, the telecommunicator will receive the initial report of a crime in progress. The telecommunicator should determine:

1. Whether the crime is still taking place or whether the suspect(s) have fled.
2. The precise location (including the address/name of business).
3. Upon receiving the initial call of a crime in progress, the telecommunicator will assign a primary squad and secondary squad to respond.
 - a. The primary squad, under most circumstances, is usually the first called squad on the radio and the squad in whose assigned area the event is taking place.
 - (1). The primary squad will respond to the scene in the appropriate mode.
 - b. Secondary squad(s) will respond to the scene in the appropriate mode.
 - c. Each squad involved will advise dispatch and other squads of the location from which it will respond, and the route to be used when responding.

C. If the event has been completed and the suspect(s) have left the scene, the telecommunicator will advise the responding squads of this fact. The telecommunicator should gain as much descriptive data as possible from the reporting party and relay this immediately to the officers in the field. Data gathered would include:

1. Number and description of the suspect(s).
2. Description of vehicle(s) used.
3. Direction of flight.

4. Type of weapon brandished, etc.
- D. If the reporting party indicates that the suspect(s) is still on the scene, as soon as the telecommunicator determines the location, they will:
 1. Notify the primary and secondary squads of the event.
 2. **Keep the reporting party on the phone as long as possible (particularly if they are in a position to view the scene).**
 3. Gain descriptive data from the reporting party and relay this information immediately to the responding squads.
- E. In all cases, squads responding will use due regard in their approach to the scene.
 1. Safe driving techniques will be utilized while the squad is in the emergency mode. An officer can be of little use at the scene if they are involved in a crash on the way to it.
 2. An officer's response must take into account:
 - a. Weather conditions
 - b. Traffic density
 - c. Road conditions
 - d. Pedestrians in the area, etc.
 - e. How many officers are already on scene
 3. In accordance with Wisconsin State Statute 346.03(4)(b) when responding to a report of a crime in progress, a law enforcement officer operating a police vehicle may exceed the speed limit without giving audible and visual signal (as enumerated in IV.B.).



- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

VIII. HIGH-SPEED PURSUIT

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Department to assist officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of the Department to regulate the manner in which vehicular pursuits are undertaken and performed.

A. High-speed pursuit occurs when a violator of the law appears to be eluding an officer who is giving an audible and visible signal.

B.

[REDACTED]

C. During a pursuit involving two SMPD squads, the secondary unit shall take over communications with dispatch.

D. Emergency lights and siren shall be utilized by all officers involved in the pursuit.

E.

[REDACTED]

F.

[REDACTED]

G. When an officer becomes involved in a pursuit, their first concern should always be the safety of all who can be affected by the pursuit. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

H. Termination of Pursuits

1. Law enforcement officers will terminate vehicle pursuits under the following conditions:

- a. Any time a supervisor orders termination.
- b. [REDACTED]
- c. [REDACTED]
- d. When the officer's vehicle or emergency equipment malfunctions.
- e. [REDACTED]

I. Supervisor's Responsibilities in Pursuit Incidents

A pursuing officer has the authority to initiate, continue or terminate a pursuit. On-duty supervisors should be notified of pursuits and should monitor progress of pursuits. Supervisors have the responsibility to monitor and control a pursuit from the point of the pursuit notification to its conclusion and to rule on the advisability of pursuit. [REDACTED]



J. Communications Center Actions During a Pursuit:

1. Upon notification, the Communications Center shall advise all officers that a pursuit is in progress (location, direction of travel, speed, make, model, license number, and reason for the pursuit) and shall restrict radio traffic [REDACTED] for exclusive use by personnel involved in the pursuit.
2. The Communications Center shall immediately inform the supervisor that a pursuit is in progress.
3. The Communications Center shall keep all involved units advised of updated information from the pursuing officer and shall assist in directing other units to assist, intercept, or place themselves in a position of surveillance during the pursuit.
4. The Communications Center shall coordinate with other police agencies that are or may become involved in the South Milwaukee pursuit of a vehicle fleeing South Milwaukee into their jurisdiction. The other police agencies will be notified of the termination of the pursuit.
5. [REDACTED]

[REDACTED] The telecommunicator should then broadcast the following information:

- a. Location, speed and direction of travel
- b. Description of the vehicle and occupants

- c. Reason for the pursuit
- d. Number of squads involved
- e. Identity of primary unit and secondary unit, if in place.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

L. [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

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M. When a pursuit from another jurisdiction enters South Milwaukee, SMPD will assist in all possible ways, keeping in mind that it is not the SMPD's original pursuit. When possible, the reason for the pursuit shall be determined.

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O. Operational Review of Pursuits/Pursuit Documentation:

1. All pursuit situations involving South Milwaukee police officers shall be reviewed.
2. For the purpose of this operational review, a pursuit shall be defined as any violation meeting the criteria established in Wisconsin State Statute 346.04(6), regardless of whether the violator is charged with that offense.
3. The review process shall include a detailed report of the pursuit completed by the officer(s) involved, and a Supervisory Review - After Action Pursuit Report which is to be completed by the Shift Supervisor (Addendum A). The incident report and the Supervisory Review - After Action Pursuit Report shall be forwarded to the Operations Commander for review.

P. 1997 Act 88 - Law Enforcement Pursuit Data Collection:

Pursuant to 1997 Act 88, Wisconsin State Statute 85.07(8)(b), the South Milwaukee Police Department will report all pursuits to the State of Wisconsin using the Wisconsin Law Enforcement Pursuit Report. This report form will be completed by the Operations Commander after receiving the incident report and the Supervisory Review - After Action Pursuit Report. The Operations Commander is responsible for submitting the report to the State of Wisconsin by use of the Electronic High Speed Pursuit Reporting Form.



XII. VEHICLE ESCORTS, EMERGENCY AND NON-EMERGENCY

- A. Escorts of emergency vehicles from the SMPD or other agencies by emergency vehicles of the SMPD are generally discouraged. While officers may stop traffic at intersections or otherwise control the movement of traffic to assist the passage of the emergency vehicle, actual escort of the emergency vehicle is not recommended except in unusual circumstances. Officers shall obtain prior permission from

an on-duty supervisor before escorting another emergency vehicle.

B. Escort of Civilian Vehicles in Medical Emergencies:

1. Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and is not authorized.
2. Officers who encounter situations where medical transport is needed shall immediately render first aid, as appropriate, and shall summon medical assistance and transport, if needed, through the Communications Center. If the operator of a civilian vehicle refuses to wait for medical transport and prompt medical assistance is needed, the officer may lead the civilian vehicle to the nearest medical facility but shall not use emergency equipment, shall obey all traffic regulations and shall take the most direct route.
3. Officers shall not convey injured or ill persons to a medical facility for treatment in department vehicles. While officers cannot force persons to obtain medical assistance or accept medical transport, except in limited circumstances, officers shall encourage persons to accept these services and shall provide all necessary assistance until the emergency medical services arrive at the scene.

C. Escort of Non-emergency Vehicles:

1. Requests for routine, non-emergency escorts of dignitaries, oversized vehicles, parades, funerals, special events or hazardous or unusual cargo shall be approved by the shift supervisor.
2. During a non-emergency escort, the officer at no time shall exceed the posted fixed speed limit. Emergency lights and flashers shall be in operation at all times during such escorts and the siren shall be used only to attract attention to such escorts.
3. In compliance with WI. State Statute. 346.215 escorts of oversized vehicles, or processions of vehicles will only be allowed if the procession or oversized vehicle is escorted by at least two (2) police vehicles, at least

one of which is leading the procession and at least one of which is at the rear of the procession of vehicles.

In the event two (2) police vehicles are not available to assist in the procession, then the procession will not be escorted.

XII. IN MEMORIAM

This General Order is dedicated to the memory of Officer John J. Stoll who tragically lost his life while operating an emergency vehicle while responding to a rescue call on June 7, 1987.

XIII. RE-EVALUATION DATE

This policy will be reviewed by June 30th of each even numbered year (Wisconsin State Statute 165.85(4)(cm)(2a)).

XV. EFFECTIVE DATE

The effective date of this order is June 26, 2018.

William Jessup
Chief of Police

Addendum A: Supervisory Review - After Action Pursuit Report
Addendum B: Wisconsin Law Enforcement Pursuit Report



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-11

INDEX AS: Officer Safety Review Board
Fleet Safety Committee
Traffic Safety

REPLACES: G.O. 16-34
EFFECTIVE: 06-29-2016

WILEAG: 6.1.4

SUBJECT: Officer Safety Review Board and Fleet Safety Committee

PURPOSE: The South Milwaukee Police Department, in an effort to curtail accidents involving department personnel and equipment, has formed an Officer Safety Review Board consisting of three officers called the "Safety Review Committee". The City of South Milwaukee also maintains a Fleet Safety Committee that reviews accidents involving City vehicles independently of this Officer Safety review Board

FUNCTION: The Officer Safety Review Board's function will be to review incidents involving vehicle accidents, pursuits and operation of vehicles as outlined in General Order TFC – 1: Operation of Emergency Vehicles. The Operations Commander will maintain a centralized file where information on these occurrences will be routed and stored.

The Fleet Safety Committee will review accidents involving city vehicles in accordance with the City of South Milwaukee Fleet Safety Policy.

This order consists of the following numbered sections:

- I. COMPOSITION OF OFFICER SAFETY REVIEW BOARD
- II. DUTIES OF OFFICER SAFETY REVIEW BOARD

III. DISPOSITION OF CASE

IV. FLEET SAFETY COMMITTEE ACCIDENT REVIEW

V. EFFECTIVE DATE

I. COMPOSITION OF BOARD

- A. Three sworn members of the South Milwaukee Police Department.
- B. Changes in Review Board composition will be made by the Chief of Police.
- C. In the event of one of the Board members are involved in damage to a squad or an accident, that member will not participate in the review of his/her accident.

II. DUTIES OF BOARD

- A. The Review Board will examine reports and accounts of incidents described above. This may include questioning of officers and witnesses involved in these incidents. This Board will act as a fact-finding body.
- B. The Board will recommend disciplinary action, if warranted, to the Chief of Police or his/her designee. This recommendation may range from no action to dismissal from the Department depending on the involved officer's degree of negligence and past record.
- C. Each investigation will be completed in a timely manner.

III. DISPOSITION OF CASE

When the majority of the Board has reached a decision on a review, it will prepare a written report of the facts and findings. This report will be forwarded to the Chief of Police or his/her designee via chain of command along with the above mentioned recommendation for disposition. The Chief of Police or his/her designee is not bound by this recommendation.

IV. FLEET SAFETY COMMITTEE ACCIDENT REVIEW

Per the City of South Milwaukee Fleet Safety Policy, accidents involving a city vehicle must also be reviewed by the City Fleet Safety Committee if there is significant property damage to any vehicle or any person was injured in the accident. In the event of an accident meeting these criteria, all reports shall be forwarded to the Fleet Safety Committee, via the committee chair, for review as soon as possible.

V. EFFECTIVE DATE

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

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-06

INDEX AS: Operation of Police Motorcycle

REPLACES: G.O. 17-19

EFFECTIVE: 01-18-2017

WILEAG: 6.1.2; 6.1.4

SUBJECT: Operation of the Police Motorcycle

PURPOSE: The purpose of this General Order is to establish guidelines for the use of the police motorcycle and related equipment, including its use as an emergency vehicle, in accordance with Wisconsin State Statute 346.03, and to promote the safety of officers and the public.

This order consists of the following numbered sections:

- I. AUTHORIZATION
- II. EMERGENCY OPERATION OF POLICE MOTORCYCLE
- III. MOTORCYCLE INSPECTION
- IV. REQUIRED EQUIPMENT
- V. EFFECTIVE DATE

I. AUTHORIZATION

- A. Officers of the South Milwaukee Police Department are authorized to operate the Department motorcycle for routine patrol or traffic enforcement purposes only if they possess a valid driver's license endorsed for motorcycle operation and have successfully completed a police motorcycle operators training course.

B. Officers who possess a valid, motorcycle endorsed driver's license may operate the Department motorcycle at civic events, for travel to routine service appointments, or for necessary movement of the motorcycle if a formally trained motorcycle operator is unavailable, with the approval of the Chief of Police or their designee.

II. EMERGENCY OPERATION OF POLICE MOTORCYCLE

- A. Police motorcycle operators shall operate the motorcycle in accordance with the provisions of Wisconsin State Statute 346.03.
- B. Considerations: In all cases, when an officer elects to exercise the exemptions provided under Chapter 346.03, Wisconsin State Statute, consideration shall be given to the following factors:
 1. Time of day
 2. Volume of vehicular traffic
 3. Density of population
 4. Weather/road conditions
 5. Severity of incident
 6. Volume of pedestrian traffic
 7. Intersections
 8. Availability of other police vehicles

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III. MOTORCYCLE INSPECTION

A. Motorcycle operators shall, at the start of their tour of duty, inspect the motorcycle for cleanliness and proper operation including, but not limited to:

1. Lights (headlamp, brake light, directional signal, emergency lights-red/blue)
2. Siren and horn
3. Brakes-front and back
4. Tire pressure
5. Oil and fuel
6. Computer tablet and printer

B. Damage to motorcycle

Any motorcycle operator involved in a crash which results in damage to any vehicle will immediately notify the supervisor/officer in charge. The supervisor/officer in charge will investigate the incident, regardless of how minor the damage.

1. Any time a crash or incident results in damage to the Department motorcycle, the officer involved shall be required to make a report, detailing the circumstances of the incident. The report shall be submitted to the Operations Commander through the chain of command. A copy shall also be forwarded to the Fleet Maintenance Officer.

C. Motorcycle Care

1. Any officer assigned to the motorcycle is responsible for re-fueling, checking the oil and other fluids prior to going off duty, as time allows. (Fuel must have an octane rating of 92 or higher)
2. Scheduled maintenance should be arranged with a certified Harley-Davidson service center.
3. No motorcycle officer shall change or alter anything cosmetically, mechanically, or structurally on a Department motorcycle without the consent of the Chief of Police.

IV. REQUIRED EQUIPMENT

A. Operator

1. All operators of the police motorcycle shall use the following safety equipment.
 - a. DOT approved safety helmet (not more than 5 years of age.)
 - b. DOT recommended protective eye wear
 - c. Boots (providing lower leg protection)
 - d. Full fingered gloves
2. All operators shall use a hand-held portable radio with either a shoulder microphone or ear piece tuned to SMPD frequency.

3. It shall be the responsibility of each officer assigned to the motorcycle to have the necessary reports, citations, and other items necessary to complete an investigation, subject to the limited space, available on the motorcycle.

B. Motorcycle

1. The motorcycle shall have the following equipment on the vehicle:
 - a. Emergency lights and siren
 - b. Decals containing the department's name, logo, and vehicle number
 - c. Locked storage containers for equipment

VI. EFFECTIVE DATE

The effective date of this order is February 9, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-27

INDEX AS: Traffic Enforcement

REPLACES: G.O. 17-42

EFFECTIVE: 12-12-2017

WILEAG: 1.7.5, 1.7.6, 6.1.3, 6.1.6, 6.6.3, 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 9.1.6

SUBJECT: Traffic Enforcement

PURPOSE: The purpose of this General Order is to establish guidelines for all sworn personnel of the South Milwaukee Police Department to ensure a uniform approach to traffic law violation enforcement by the Department. A great number of contacts between officers and citizens are traffic oriented. The goal is to provide a uniform traffic enforcement policy that will assist officers in performing this function.

POLICY: It is the policy of the South Milwaukee Police Department that officers shall enforce traffic laws in a fair and equitable manner with the ultimate goal of achieving voluntary compliance with traffic laws and regulations. The responsibility for enforcing traffic laws is shared by all personnel.

Enforcement action taken by officers shall be in accordance with applicable traffic laws and ordinances, and take into account the degree and severity of the violation.

This order consists of the following numbered sections:

- I. PROCEDURES
- II. UNIFORM ENFORCEMENT
- III. TRACS E-CITATION AND TRAFFIC STOP DATA FORM
- IV. EFFECTIVE DATE

I. PROCEDURES

A. Traffic Law Enforcement Activities:

1. Officers shall take appropriate enforcement action when they have probable cause to believe, either through personal observation of the violation or after an investigation, that a state traffic law or South Milwaukee traffic ordinance violation has occurred.
2. Officers shall have discretion in determining the type of enforcement action to be applied. The guidance to officers in this policy is intended to assist officers in exercising that discretion in a fair and effective manner.
3. A traffic law violation may be handled by officers with a verbal warning, a 15 day warning, a traffic citation or a custodial arrest. The course of action taken by the officer shall be determined by written directives, the circumstances of the incident, and the officer=s discretion.

B. Contact with Traffic Violators:

1. Officers shall conduct themselves in a courteous, business-like manner during traffic contacts. They shall greet the violator in a courteous manner, explain the reason for the traffic stop, request the driver=s license, proof of insurance coverage documentation, and explain the intended enforcement action (citation or verbal/written warning).
2. Officers should not argue with motorists on the merits of the enforcement action taken.
3. Officers shall provide motorists with the following information, if a citation or custodial arrest is made:
 - a. The court appearance time, date, and location.
 - b. Whether a court appearance is mandatory.
 - c. Whether the person will be allowed to enter a plea and/or pay the forfeiture by mail or at Municipal Court.

- d. Any other information which is relevant to the arrest/citation.

C. Special Group Violators:

1. Nonresident Traffic Violators:

- a. Persons receiving traffic citations for South Milwaukee traffic ordinance or state traffic forfeiture violations, which are not Wisconsin residents and do not possess a valid Wisconsin driver=s license, may be required to post bond prior to being released.

- b. Every effort to have bond posted shall be attempted.

2. Juvenile Traffic Violators:

- a. Juveniles may be issued traffic citations for South Milwaukee traffic ordinance or state traffic forfeiture violations. Refer to General Order ORG – 1: Juvenile Operations.

- b. Officers will notify the parents/guardian of the juvenile of the traffic contact by the most expedient means.

3. Foreign Diplomats and Consulate Officers:

Foreign Diplomats and Consular Officials are immune from all felony and misdemeanor traffic arrests. If an officer stops a violator and the violator claims diplomatic immunity, the officer must immediately contact a supervisor. (General Order ADM – 14: Immunity).

4. Military Personnel:

- a. Military personnel, for purposes of this order, are active duty members of the Army, Navy, Air Force, Marines, or Coast Guard or any member of the Reserve Components or National Guard on active duty orders.

- b. These persons may be issued citations for

violations as any other citizen. There is however, special exemption relating to driver=s licenses. (Wisconsin State Statutes 343.05(2) and 343.20(3)).

5. State Legislators:

There are no special statutory provisions in existence that set forth privilege guidelines when dealing with legislators who have violated traffic laws.

D. Stopping the Traffic Violator:

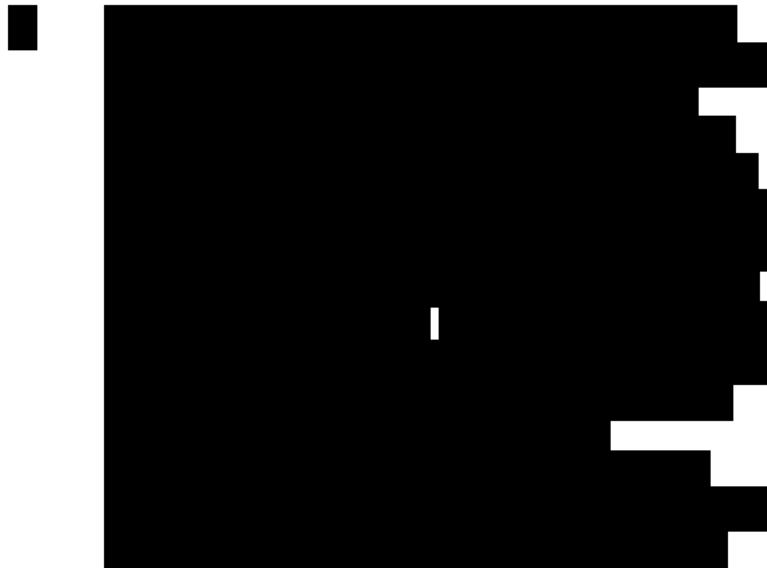
1. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the highway, the urgency to stop the violator, and the volume of traffic may dictate altering the recommended procedure. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist. Officers may choose to use approach or non-Approach contacts in stopping the violator. This decision should be based on the officer's assessment of the situation and the circumstances of the stop. They should consider type of vehicle, number of occupants, back-up unit availability, etc. **Backup is mandatory and should be dispatched to each traffic stop.**

2. Observation/Pursuing/Informing:

- a. An officer must first observe a traffic law violation or have a reasonable suspicion that a violation occurred prior to effecting a traffic stop. When the decision is made to make a traffic stop, the red and blue emergency squad lights are activated, not only to attract the attention of the driver, but also to inform the other drivers on the roadway that the traffic flow may be hindered.
- b. If the use of an audible warning device is needed to effect the traffic stop, use the siren. Be aware of any driving hazards created by other motorists who often react too quickly or

without enough care when they hear the siren. Leave enough room between the squad and the suspect vehicle, so as to prevent an accident should the driver suddenly stop the vehicle.

- c. When attempting a traffic stop at night, the use of the spotlight to ~~Asweep@~~ or the use of take-down lights flashed in the interior of the suspect vehicle may be necessary to attract the attention of the driver.



3. Selecting the Stopping Site:

- a. When a driver acknowledges your intention to stop and detain, the driver should be directed to stop their vehicle in a satisfactory location.
 - 1). Stopping vehicles in bus zones and loading zones may be necessary in heavily congested areas.
 - 2). Well-lit areas should be utilized if stopping violators at night.
 - 3). When drivers stop in an undesirable location, the officer should direct them to a safer location by using the public address system.



c. Before the initial contact with the driver, the following information must be made known to the telecommunicator:

- 1). The location of the traffic stop.
- 2). Vehicle license number, or a description of auto if no registration is displayed.
- 3). The reason for the stop.
- 4). If the need for immediate backup is apparent.
- 5). Number of occupants in vehicle and their movements, if necessary.
- 6). Any other information believed to be important.

6. Contact with the Driver:

- a. Officers are reminded they are expected to maintain a courteous and orderly manner when dealing with suspected traffic violators, and to recognize the emotional duress a violator may be under when approached by an officer. Explain the reason for the traffic stop and politely ask for identification and insurance information.

- [REDACTED]
- [REDACTED]
- [REDACTED]

- e. Direct your commands to the driver or passenger(s) in a clear calm voice.
- f. Delivery of the warning or citations should be made in the same manner as the initial approach to the vehicle using all precautions.
 - 1). The officer should let the stopped vehicle exit the area first and should not extinguish emergency lighting until the officer intends to re-enter the flow of traffic.

- [REDACTED]

- h. The driver or passenger(s) should not be allowed in the squad unless they are in custody.
 - 1). The police van or caged squad should be used for all prisoner transport unless said vehicle is out of service.
 - 2). Transport should then be made with due regard for the safety of the officer.
- i. If the driver or passenger(s) are not in custody, have them remain in the vehicle, or move them to a safe location.



The figure consists of a 9x9 grid of black bars on a white background. The bars are arranged in a pattern where the width of each bar in a row increases from left to right, and the height of each bar in a column increases from top to bottom. The bars are separated by thin white lines.

II. UNIFORM ENFORCEMENT

Uniform enforcement policies are needed to give direction in critical areas of traffic law enforcement. Some of these important areas are:

A. Speed Violators:

1. The Department will utilize electronic speed devices in

high or potentially high accident locations when speed is a factor, in areas where speed violations are prevalent, in response to citizen complaints concerning speeding motorists, and in school zones.

2. Speed violations may be enforced by use of either electronic speed devices or vehicle paces with squad cars.
 - a. All officers utilizing electronic speed devices shall be instructed or certified in the use and operation of the electronic speed device they are utilizing. When operating an electronic speed device proper procedures for operation shall be followed.
 - b. Officers conducting squad paces must test the accuracy of the squads speedometer against an electronic speed device immediately after the enforcement action.
3. If a violator requests an opportunity to view the reported speed on the electronic speed device they are to be shown. If an officer believes there is a safety hazard to show a violator the electronic speed device a back-up unit will be summoned to assist. Officers shall escort the violator to the squad to view the electronic speed device. This viewing should always be done from the passenger side of the squad car.
4. The traffic coordinator will:
 - a. Ensure that the electronic speed devices receive proper care and upkeep.
 - b. Ensure programmed maintenance, testing and calibration of speed measuring devices.
 - c. Ensure that adequate maintenance, calibration and operational records systems suitable for introduction as evidence in court are developed and maintained.

B. Hazardous Violations:

1. Hazardous violations include, but are not limited to:

offenses involving excess speed; disregarding traffic control signs or signals; alcohol offenses involving the use of a vehicle; reckless driving and attempting to elude an officer. These are violations of laws relating to a driver=s unsafe operation or serious vehicle defects.

2. Officers should attempt to vigorously enforce traffic laws relating to these types of violations.

C. Non-Hazardous Violations:

1. Non-Hazardous violations include, but are not limited to: equipment violations; parking violations; mandatory insurance violations; operator licensing and registration violations.
2. Officers should vigorously enforce these violations to address the violations as well as to create a public impression of active traffic law enforcement activity to encourage voluntary compliance with all traffic regulations.

D. Public Carrier/Commercial Vehicle Violations:

1. The enforcement of traffic laws applies equally to public carriers and commercial vehicles.
2. Officers should attempt to expedite enforcement actions when dealing with a public carrier so as not to unduly delay the passengers.
3. Officers shall make a reasonable effort to ensure that valuable cargo of a commercial vehicle is protected or arrangements are made for passengers of public carriers if it becomes necessary to temporarily detain the operator.

E. Equipment Violations:

Violations of Chapter 347, Wisconsin State Statutes, and South Milwaukee ordinances relating to vehicle equipment shall be enforced at the officer=s discretion.

F. Multiple Violations:

1. It is within the discretion of the officer whether to issue multiple citations for multiple violations from the same event.
2. Officers may issue a citation or citations for the more serious offense(s) and give verbal or written warnings for the lesser violations arising from the same incident.
3. Incidents involving multiple violations that constitute an all-inclusive charge such as eluding or reckless driving should not result in individual charges for all violations when the greater charge is also issued.
4. License and registration violations discovered during the course of a traffic stop for a moving violation, such as speeding or a stop sign violation, may be charged in addition to the violation leading to the traffic stop at the discretion of the officer.

G. Suspended or Revoked Drivers:

1. If a violator is stopped, and it has been verified that their license has been suspended or revoked in accordance with Wisconsin State Statute 343.33(1), the officer shall issue the appropriate uniform traffic citation(s).
2. The vehicle may not be driven away from the scene by anyone other than a licensed driver.
3. If no licensed driver is available to move the vehicle, then the officer has the following options:
 - a. If the vehicle is legally parked, the vehicle may be left in place and the owner advised to find a valid driver to move it.
 - b. If the vehicle is NOT legally parked, an officer may move the vehicle, with the owner's consent and if safe to do so. If there is no consent or the vehicle can't be moved, safely, a tow truck shall be called and the vehicle shall be towed at the owner's expense. Prior to towing the vehicle the officer shall perform an inventory search of the vehicle in accordance with General Order ORG-25: Search & Seizure.

H. Newly Enacted Laws and/or Regulations:

1. Officers should use sound discretion when enforcing newly enacted or amended traffic regulations.
2. A grace period will be established for newly enacted laws. Warnings will be given during the grace period.

I. Off-Road Vehicle Violations:

1. Officers will take appropriate enforcement action for violations committed by operators of off-road recreational vehicles that are observed and/or reported to them.
2. Officers will enforce all applicable laws pertaining to the operation and registration of off-road recreational vehicles in accordance with Wisconsin State Statutes and South Milwaukee ordinances.

J. Pedestrian and Bicycle Violations:

1. Officers will take appropriate enforcement action when and where pedestrian and bicycle traffic law violations are observed.
2. The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual officers. To provide guidance in this discretion, the following procedures are established which should result in a more uniform and consistent application of the law:
 - a. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness will be conducted by the Department.
 - b. Officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.
3. All officers should be familiar with South Milwaukee

ordinances and state traffic regulations relating to the safe operation of bicycles.

4. Juvenile violators of bicycle regulations may be dealt with in the following manner at the officer=s discretion:
 - a. Given a verbal warning.
 - b. Juveniles, at least 12 years of age, may be issued a citation for a South Milwaukee ordinance violation relating to bicycle violations.
 - c. Juveniles, at least 16 years of age, may be issued a uniform traffic citation for violations of state traffic laws relating to bicycles.
5. Any type of enforcement action listed in the above paragraph (4 a-c) may be elected by officers for adults who violate traffic laws or South Milwaukee ordinances while bicycling.

K. Operating Under the Influence:

See General Order TFC-9: Operating While Under the Influence.

III. TRACS E-CITATION AND TRAFFIC STOP DATA FORM

- A. Officers will use the e-citation module of TRACS for the issuance of any/all traffic citations and warnings, unless there is a technical problem with the system. (Technical problems with the system shall be immediately reported to a supervisor.)
- B. Supervisors will “end shift” in all e-citations and warnings and electronically submit the citations to the State via the TRACS interface. Warnings need not be submitted to the State.

IV. EFFECTIVE DATE

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

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-16

INDEX AS: Crash Investigations

REPLACES: G.O. 15-16

EFFECTIVE: 09-30-2015

WILEAG: 6.2.4, 6.2.7, 6.2.8, 9.1.5.1, 10.1.3, 10.1.4, 10.1.6, 11.1.1

SUBJECT: Crash Investigations

PURPOSE: The purpose of this General Order is to establish a policy for the investigation of traffic crashes occurring within the City of South Milwaukee. Guidelines establishing which crashes will be investigated and the manner in which crashes will be investigated will be addressed in this policy.

POLICY: It is the policy of the South Milwaukee Police Department that officers shall investigate all crashes as required by state statutes. Officers responding to the scene of a crash shall secure the scene, provide medical assistance, if needed, investigate the crash and clear the scene of damaged vehicles, debris or hazardous materials as soon as practical to reopen the roadway for continued use. In all cases, when the investigating officer has a reason to believe that a violation(s) of the law has caused or contributed to the traffic crash appropriate enforcement action will be taken.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. CRASH INVESTIGATION PROCEDURES

IV. EFFECTIVE DATE

I. DEFINITIONS

Reportable Crash: For the purpose of this policy, a reportable crash shall be all crashes required by Wisconsin State Statute 346.70(1) to be reported to police.

II. PROCEDURES

Officer(s) will be assigned to investigate all reports of traffic crashes. The Department will make a record of every traffic crash reported to it, regardless of whether or not the MV4000 form is completed.

A. Reportable Crash Investigations

1. Upon personal knowledge, or notification from the Communications Center, officers shall respond to and thoroughly investigate all reportable crashes and use the Department of Transportation, Traffic Crash Report, MV4000, to record all pertinent data.
2. If a crash meets any of the below criteria, it is a **reportable** crash. This means the MV4000 must be completed and a copy must be transmitted to the Department of Transportation. The following is a list of crash types falling within the reportable category:
 - a. Death or physical injury; or
 - b. Damage to any private property or vehicle to an apparent extent of \$1,000 or more; or
 - c. Damage to any government vehicle to an apparent extent of \$1,000 or more; or
 - d. Damage to other government-owned property to an apparent extent of \$200 or more; or
 - e. All hit and run crashes involving death, injury or damage as listed in paragraphs b-d above.
 - f. Bicycle crashes are only “reportable crashes” and require the completion of a MV4000 form if the bicycle has a crash with a motor vehicle “in

operation" and the crash results in injury or damage as described in paragraphs a-e above.

3. An officer shall respond to, and conduct an investigation of all traffic crashes reported to involve the use of alcohol and/or drugs. If the investigation reveals enforcement action is required for the use of alcohol and/or drugs, or the crash is reportable, the incident shall be investigated and documented in accordance with General Order TFC-9: Operating Under the Influence, and this policy.
4. An officer shall respond to, and conduct an initial investigation of all traffic crashes reported to involve a hazardous material spill. Traffic crashes resulting in hazardous materials spills shall be investigated, documented, and the appropriate personnel or agency shall be notified to clean up the spill.
5. Officers shall also respond to any traffic crash in which the following conditions are present.
 - a. Crashes, however minor, resulting in a confrontation between the parties involved or bystanders; or
 - b. Major traffic congestion as a result of a crash, however minor; or
 - c. Traffic crashes in which it appears towing of one or more of the involved vehicles will be necessary.

B. Non-reportable Crashes

1. Traffic crashes that do not meet the minimum criteria for a reportable crash as defined in paragraph II.A.2. do not require the completion of the MV4000 report.
2. Traffic crashes that are non-reportable for crash reporting purposes may still require an offense report if the crash involves a DUI, hazardous materials spill, or other similar incident requiring documentation. An officer may decide to complete the MV4000 report or offense report for a "non-reportable" traffic crash or incident where it appears

documentation would be appropriate based on the circumstances of the incident.

3. Officers who respond to the report of a traffic crash shall conduct an investigation to determine whether the crash is reportable. If the officer determines the crash to be non-reportable, the officer should so inform the persons involved and shall facilitate the exchange of information between the drivers. The officer shall provide the drivers with a South Milwaukee Police Department Driver Information Exchange Non-Reportable Crash form. The officer is not required to prepare a crash or incident report but will verify that the CAD event contains the driver information, vehicle information, and a short summary as to what happened.

C. Crashes Involving Department Vehicles

1. Any member of the Department involved in a traffic crash while operating a department vehicle shall immediately notify the Communications Center who in turn shall assign a supervisor to investigate the crash. Officers involved in traffic crashes will, to the extent possible, exercise charge over the crash scene only until the arrival of the supervisor, to whom the responsibility will be surrendered.
2. The CVMIC crash report shall be completed by the supervisor for all crashes involving a department owned vehicle. These crash reports must be completed and forwarded to the City Administrator and Safety Review Committee within **24** hours (next business day for weekends/holidays). In cases involving personal injury, the City Administrator shall be telephoned immediately. Crashes meeting the definition of a "**reportable**" crash will also require the completion of an MV4000. The CVMIC crash report and the MV4000 (if completed) will be forwarded to the City Insurance Clerk.
3. Photographs shall be taken of all crashes involving a department owned vehicle. Photographs shall include the other vehicle/property involved in the crash.
4. Serious crashes involving department vehicles the assistance of the Wisconsin State Patrol will be

requested.

5. All crashes involving department vehicles will be reviewed by the Departments Officer Safety Review Board in accordance with General Order TFC-2: Officer Safety Review Board.
6. All crashes involving department vehicles that result in substantial property damage or any injury must be reviewed by the City of South Milwaukee Fleet Safety Committee.

D. Crashes Involving City of South Milwaukee Vehicles or Property

1. Traffic crashes involving a vehicle owned by the City of South Milwaukee, or city-owned property, shall be investigated by an officer who shall complete a crash report (MV4000) for reportable crashes.
2. Photographs shall be taken of crashes involving a city-owned vehicle. Photographs shall include the other vehicle/property involved in the crash.

E. Hit and Run Crashes

1. Officers assigned to investigate hit and run traffic crashes shall complete an offense report. Additionally, a Traffic Crash Report (MV4000) shall be completed by the assigned officer when the crash meets any of the criteria established in section II.A.2 of this policy.
2. Radio broadcasts to other members of the Department and teletype communications to other agencies of suspect vehicle information shall be accomplished, where appropriate.
3. Officers shall diligently investigate all hit and run crashes. The officer shall keep the victim of the crash informed of the case's progress, whether solved or declared inactive due to lack of further investigative leads.
4. Photographs **shall** be taken of hit and run crashes involving injuries or substantial property damage.

F. Private Property Crashes

1. Traffic crashes that occur on private property held open for the use of the public shall be investigated as any other crash on a public highway.
2. Officers shall also respond to and investigate all crashes occurring on private property, not held open for the public's use, involving injury or serious property damage and private property crashes resulting in minor damage.
3. Crashes on private property not held open for the use of the public do not require completion of a Crash Report (MV4000). However, officers shall complete an incident report for these crashes if they involve death, serious injury or substantial property damage. Officers will also assist the parties involved in exchanging information.

G. Crashes Involving Fire Hazards

When a fire is possible, officers will take appropriate action to stabilize conditions to the best of their ability and summon the fire department. Officers will attempt to eliminate the possibility of ignition to the maximum extent possible. Officers should evacuate and isolate the area as is necessary and carefully control movement within the vicinity of the hazard, detouring traffic if necessary.

H. Crashes Involving Hazardous Materials

Upon arrival at the scene of a traffic crash involving hazardous materials, officers should attempt to identify cargo on the basis of placards from a safe distance. Officers will follow procedures specified in the Emergency Response Guidebook published by the U.S. Department of Transportation and notify the fire department and, if necessary, the Milwaukee County Emergency Government.

I. Fatal Injury Crashes/Serious Injury Crashes

All killed drivers in fatal crashes are required to be tested under Wisconsin State Statute 346.71 (2). Surviving drivers involved in fatal crashes can be tested if there exists

probable cause to suspect drug/alcohol impairment [Wisconsin State Statute 343.305 (3) (a) and (am)], the driver is operating a Commercial Motor Vehicle (FMCSR 382.303) or if conditions exist that are pursuant to (343.305 (3) (ar) (2)].

If a person is the operator of a vehicle that is involved in a crash that causes the death or great bodily harm to any person and the law enforcement officer has reason to believe that the person violated any state or local traffic law, the officer may request the operator to provide one or more samples of breath, blood or urine under Implied Consent by reading and completing the Informing the Accused form. A person who is unconscious or otherwise not capable of withdrawing consent is presumed to not have withdrawn consent. If the person refuses to take the test, then they shall be arrested and charged with a refusal and then a forced blood draw shall be done. If an officer has any questions regarding Implied Consent involving a crash, they should immediately contact the Milwaukee County's District Attorney's Office or Duty District Attorney for legal guidance.

Officers will encourage all surviving drivers to willingly submit to a BAC test regardless of circumstances.

III. CRASH INVESTIGATION PROCEDURES

A. Officers are expected to remain familiar with crash investigation equipment and emergency supplies and to verify that the patrol vehicle contains this equipment prior to beginning their tour of duty. Squads will be equipped with the following items:

1. Fire extinguisher
2. Flares
3. Blanket
4. First responder kit
5. Emergency Response Guide Book

B. Responsibilities of the Responding Officers

1. During the approach to the scene, and upon arrival, officers should be alert for specific conditions or

factors that may have contributed to the crash (such as visibility/view obstructions, inoperative traffic control device, roadway hazards, defective/missing vehicle equipment, etc.). In a crash involving a motorcycle, officers should attempt, if possible, to measure tire pressure on both tires and document the readings.

2. Upon arrival at the scene, officers should position police vehicles in such a way as to provide maximum protection to the scene, but without endangering themselves or the public. Officers **will wear** the Department issued traffic safety vest at crash scenes.
3. Determine the extent of injuries, provide aid to the injured and summon emergency medical services through the Communications Center, if needed. Actions to deal with the injured take precedence over investigative or reporting activities.
4. Determine the need for and summon through the Communications Center, if necessary, additional resources such as additional officers, the fire department, or towing services for damaged vehicles.
5. Establish a safe traffic pattern around the scene while preserving evidence. If needed, barricades, temporary traffic control signs and manual traffic direction shall be utilized.
6. Locate and identify potential witnesses to the crash, record crash information, statements and begin the expeditious removal of vehicles and debris from the crash scene as permitted by the needs of the investigation.
7. Officers of the department are expected to cooperate constructively and efficiently with officers of other law enforcement agencies of connecting jurisdictions that have occasion to respond to the same crash scene. Responsibility for investigation or reporting of the crash is determined by the location of the first harmful event.
8. The officer assigned to the initial incident shall be the

officer in charge of the crash scene unless relieved by a supervisor.

9. The investigating officer shall ensure the following occurs, as appropriate:
 - a. All operators, passengers and witnesses are identified, interviewed and statements are taken. In serious injury accidents, this interview may be conducted at the medical facility.
 - b. Identifying information and damage to vehicles is recorded. In the event of serious injury or death, officers may place a hold on the involved vehicle(s) for closer examination by qualified personnel.
 - c. Damage to and marks on the roadway are recorded. Conditions of the roadway, weather and traffic control devices will be noted.
 - d. Collecting/preserving evidence shall be done in accordance with the standards set in General Order ADM-4: Evidence/Property Control.
 - e. Photographs will be taken of injury, death, or exceptional damage crashes. Photographs should be taken in accordance with the rules of evidence to insure they meet approved standards.
 - f. The physical property of any person involved in a crash is protected by:
 - (1). Returning it to the person at the scene.
 - (2). Leaving the property in the vehicle, if of minor value or with the consent of the owner.
 - (3). Giving the property to a relative of the person involved in the crash, with the property owner's consent.

- (4). Taking custody of the property and logging it into the property docket until it can be returned to the owner (General Order ADM-4: Evidence/Property Control).
 - h. Information is exchanged between the principals.
10. The investigating officer is also responsible for any needed follow-up investigation, such as:
 - a. The officer will perform follow-up traffic crash investigation services in support of criminal prosecution, as necessary and appropriate.
 - b. It will be the responsibility of the investigating officer to complete the traffic crash report/investigation as soon as practical.
 - c. In the event the investigating officer needs assistance in completing a traffic crash report or investigation, they will contact their immediate supervisor who will determine the appropriate action to be taken to ensure prompt and proper completion of the crash investigation (see section C below).

C. Expert or Technical Crash Investigation Assistance

In cases where a crash involves a death or very serious injury the supervisor (or OIC) will, as soon as possible, contact the Wisconsin State Patrol (Waukesha Bureau) and request mutual aid for a crash investigator. The officers on the scene of the crash will maintain the scene until the arrival of the State Patrol investigator and until that investigator has completed his/her investigation. The officer will document, in their report, that the State Patrol responded and include the name of the responding trooper.

D. Traffic Crash Enforcement Procedures

1. Officers are expected to take enforcement action whenever the crash investigation or reporting

activities produce probable cause to believe that a violation of law or city ordinance has occurred.

2. Officer's specific enforcement actions arising from traffic crash investigation or reporting, e.g.: physical arrest, citation, or verbal warning, will be consistent with the nature of the alleged violation and with General Order TFC-4: Traffic Law Enforcement.
3. In taking enforcement action, the officer must establish all elements of the violation. Elements that the officer has not personally witnessed must be established through investigation. The investigation may include, but not be limited to:
 - a. Statements or admissions made by the alleged violator to the officer.
 - b. Statements of witnesses
 - c. Crash scene measurements
 - d. Physical evidence

D. Crash Reports

1. Crash reports completed by officers shall be submitted to an on-duty supervisor for review.
2. Wisconsin State approved Traffic Crash Report forms will be used for all crashes meeting the state requirements as set forth in Wisconsin Motor Vehicle Laws. Forms shall be filled out in accordance with the publication Reporting Motor Vehicle Crashes, published by the Wisconsin Department of Transportation. Additional information needed for the investigation or to support criminal prosecution will be reported.

VI. EFFECTIVE DATE

The effective date of this order is August 13, 2018

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-32

INDEX AS: Traffic Direction and Control

REPLACES: G.O. 16-40

EFFECTIVE: 11-10-2016

WILEAG: 6.2.9, 6.2.12, 6.2.13

SUBJECT: Traffic Direction and Control

POLICY: It shall be the policy of the South Milwaukee Police Department to seek to ensure the safe and efficient movement of motor vehicles and pedestrians within the City of South Milwaukee. The Department will strive to reduce the incidence of accidents and to provide for the orderly and safe flow of traffic through the City of South Milwaukee.

Traffic direction and control functions will be performed by members of the Police Department under emergency conditions, or when necessary to ensure the safe and efficient movement of vehicles and pedestrians.

This order consists of the following numbered sections:

I. PROCEDURES

II. EFFECTIVE DATE

I. PROCEDURES

A. Manual Traffic Direction

1. Manual traffic direction will be performed by police officers when necessary to ensure the safe and efficient movement of vehicles and pedestrians. Circumstances and situations will dictate whether the officers should direct traffic or permit the traffic to flow

without assistance.

2. Locations of traffic problems usually cannot be pinpointed and may occur at any time involving the following:
 - a. Traffic light malfunction
 - b. Special events where heavy congestion occurs
 - c. Accidents and/or fire scenes
 - d. Temporary road hazard or obstruction

B. Manual Traffic Direction Procedures

1. Manual direction of traffic by an officer will be handled in a manner that would enable drivers and pedestrians to recognize and respond to audible and hand motions.
 - a. To stop traffic: Extend an arm outward with the palm toward the car to be stopped. Use a whistle command to enhance the physical gesture (one long blast) if necessary.
 - b. To start: Starting from the stop position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which traffic is to flow. Use a whistle command to enhance the physical gesture (two short blasts) if necessary.
 - c. Right turns: Gesture to the driver of a vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.
 - d. Left turns: These turns are to be made only when there is a gap in traffic or oncoming traffic is completely stopped. Point in the direction of the turn when such movement can be made safely.

2. Officers may utilize flashlights, road flares, or illuminated traffic cones while manually directing traffic. These will be used in a manner to enhance visibility.
3. Officers should remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand officers or may refuse to obey such directions. The officer will handle these instances with courtesy and professionalism.

C. High Visibility Clothing

Officers are to wear reflective vests when directing traffic (ANSI II approved).

D. Manual Operation of Signals

1. Manual operation of traffic control signals may be initiated by officers under any of the following circumstances:
 - a. During periods of high traffic density or congestion.
 - b. Signal malfunction
 - c. Traffic accidents or other emergencies affecting movement at intersections.
2. Police officers may place signals on flash, if by doing so the traffic problem will be reduced. When an officer places the traffic signal on flash, they shall notify dispatch of the action and dispatch will notify the proper authorities for service/repair.

E. Temporary Traffic Control Devices

As a general policy, temporary traffic control devices, such as: portable signs, flip-open stop signs on traffic signal posts and moveable traffic barriers, will be used only during an emergency or during scheduled special events. These devices will normally be placed and removed by the Street

Department. Occasionally, barriers may be pulled off the road by officers when appropriate.

F. Special Events

Special events may necessitate involvement of the Police Department for traffic direction and control. The Department will provide necessary traffic direction and control in support of special events related to municipal functions.

G. Traffic Control at Fire Scenes

1. The primary duty of department personnel engaged in traffic direction and control at fire scenes is to maintain access for firefighting vehicles and equipment and to provide crowd control. Access or travel by private vehicles shall be controlled so as not to limit access or hamper efforts of the Fire Department.
2. The first officer(s) on the scene shall position their vehicle to limit access to the area and will coordinate their traffic and crowd control efforts with the Fire Department on-scene commander.

H. Adverse Road and Weather Conditions

1. Adverse road and weather conditions may include, but are not necessarily limited to:
 - a. Accidental hazards, such as debris that has fallen onto the roadway from another vehicle, downed power lines, fallen trees, etc.
 - b. Acts of nature such as fog, flooding, ice on the road, etc.
2. Upon discovering an adverse road or weather condition affecting safe roadway travel, department personnel are expected to notify dispatch for the purpose of proper notification to help correct the condition.

3. Department personnel will provide traffic direction and control services and scene protection services in the vicinity of adverse road and weather conditions, as appropriate.

- I. Ancillary Traffic Services

1. Mechanical or towing assistance to motorists
 - a. Officers are encouraged to provide all reasonable assistance to motorists who are in need of information or directions, are stranded or disabled or are in need of fuel, tires or repairs.
Officers will provide protection to motorists that are disabled or stranded in a hazardous location or environment until the situation is resolved or necessary repairs or towing can be accomplished. Officers will take all reasonable actions as necessary to protect the motorists, correct the hazardous situation, summon assistance for repairs or towing, make arrangements for or, if appropriate, transport the motorists to a place of safety.

- b. Officers shall follow the department tow policy for those vehicles that need to be towed, G.O. TFC – 7: Vehicle Towing.

2. Medical and Fire Service Assistance to Motorists

In the event of a medical emergency, vehicle fire, or other emergency circumstance, officers will summon the South Milwaukee Fire Department/Paramedics at the earliest possible opportunity. In the interim, officers should assist by supplying first aid or other assistance up to, but not to exceed their level of training.

3. Vehicle Lockout Services

- a. The South Milwaukee Police Department provides assistance to persons who lock themselves out of their vehicles by attempting

to gain entry to the vehicle with special tools possessed by the Department.

- b. Personnel assigned to assist a motorist with a vehicle lockout shall identify the individual and conduct a registration check to ensure the person is entitled access to the vehicle.
- c. Prior to attempting to open the vehicle, the officer shall inform the person requesting this service that there is potential the vehicle may be damaged by our efforts.
- d. Prior to attempting to open the vehicle, signed consent must be given to perform this service.

4. Correcting Hazardous Highway Conditions

Upon noticing a hazardous highway condition, officers shall immediately notify the dispatcher of this condition and request that the appropriate service agency be contacted. If the condition jeopardizes public safety, officers shall remain at the scene until the service agency arrives to correct the situation, or until provisions have been made to safeguard the public from hazard.

II. EFFECTIVE DATE

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

William Jessup
Police Chief



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-12

INDEX AS: Vehicle Towing

REPLACES: G.O. 16-36

EFFECTIVE: 06-29-2016

WILEAG: 1.8.1, 6.2.14

SUBJECT: Vehicle Towing

PURPOSE: The purpose of this General Order is to establish guidelines for towing vehicles. This includes towing for accidents, evidence, traffic hazards, stolen vehicles, and abandoned or disabled vehicles.

POLICY: It is the policy of the South Milwaukee Police Department to tow certain vehicles determined to be abandoned, disabled, damaged, seized for evidentiary purposes, recovered as stolen, to correct a traffic hazard or eliminate a public nuisance. Tow of these vehicles shall be accomplished in accordance with this policy through the use of a towing service.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. EFFECTIVE DATE

I. DEFINITIONS

A. Abandoned Vehicle:

1. Any motor vehicle, trailer, semi-trailer, or mobile home left unattended on any public highway or private or

public property within the city for more than 48 hours.

2. If a vehicle is left for more than 48 hours on a public street without the permission of the city, it shall be deemed abandoned and may be removed.
3. Any non-operable, wrecked, disabled, or junked motor vehicle on any street, alley or public place within the city for more than 24 hours.

B. Disabled Vehicle:

1. Any motor vehicle not having affixed thereto the current valid state registration plates/stickers for the motor vehicle.
2. A motor vehicle not currently operable and/or any motor vehicle not in safe operating condition, whether or not having affixed thereto the current valid state registration plates for the motor vehicle.
3. Any vehicle not in safe operating condition.
4. The parking, storage, or accumulation of any disabled motor vehicle or whatsoever kind or parts thereof outside of a building on any premises or lot which has not been granted a junk yard permit in any zoning district of the city for a period of time exceeding 14 days in any one calendar year is prohibited.

II. PROCEDURES

A. Tow Log

1. The Communications Center shall maintain a Tow Log.
2. The Tow Log shall contain the following information **for any vehicle that is towed:**
 - a. Make and model of the towed vehicle.
 - b. The date **and time** of tow.
 - c. Registration plate number and VIN.

- d. Location from where the vehicle was towed.
- e. The name of the towing service.
- f. Why the vehicle was towed/pending charges (if any)
- g. The incident number.

3. All vehicles towed shall be recorded on the Tow Log.

B. Towing Services

- 1. The South Milwaukee Police Department shall maintain a preferred provider listing with a licensed towing service.
- 2. The preferred provider towing service will be utilized for the following vehicle towing services:
 - a. Abandoned or disabled vehicles.
 - b. Traffic hazard or illegally parked vehicles.
 - c. Vehicles seized for evidentiary purposes.
 - d. Vehicles involved in traffic accidents.
 - e. Vehicles towed subsequent to arrest.

C. Abandoned/Disabled Vehicle towing

- 1. Abandoned/disabled vehicles will be towed according to the availability of the towing service and/or based upon the hazard/danger of the vehicle remaining where it is.
- 2. All abandoned/disabled vehicles shall be removed to the tow operator's yard by the City's preferred provider towing service.
- 3. Officers assigned a complaint of an abandoned/disabled vehicle shall check the vehicle for want/stolen status, and should make a reasonable attempt to contact the owner and resolve the situation. An

orange sticker and South Milwaukee Police Department Removal Notice will be placed on the vehicle, warning the owner of the pending declaration of abandonment and tow.

4. Officers assigned an abandoned vehicle case shall treat it as any other case. They are responsible for case follow through until it is removed by the owner or towed.
5. Vehicles which fail to comply with the removal notice will be towed by the preferred provider tow service. The cost of towing and/or storage will be the responsibility of the owner of the vehicle.
6. The Removal Notice is triplicate and will be distributed as following:
 - a. White- (original report) will be filed in the Records Section.
 - b. Yellow- the officer's copy.
 - c. Pink- mailed to registered owner or placed on vehicle.

D. Arrest Towing

1. When an officer makes a custodial arrest of a person in or with their motor vehicle, and the vehicle has no evidentiary value, if there is no licensed driver immediately available to move the vehicle, the officer is authorized to have a tow truck called to tow the vehicle. An Inventory Search of the vehicle shall be performed, in accordance with General Order ORG 25 - Search and Seizure. The owner/operator may give verbal consent for the officer to move the vehicle to a legal parking spot (this does not include motorcycles). The option of moving the vehicle will up to officer discretion, based on safety concerns.
2. If a vehicle has been stopped by an officer in a residential area and there is no valid driver in the vehicle or immediately available to move the vehicle,

the officer is authorized to have the vehicle towed. Tow company information must be provided to the driver of the vehicle before the vehicle is towed.

3. When an officer takes a vehicle operator into physical custody for any reason, the vehicle is being towed and there were other occupants in the vehicle, the officer shall attempt to make reasonable arrangements for the other occupants to reach their destination. Officers shall not transport these persons under normal circumstances.
4. The disposition of the arrested person's vehicle subsequent to an arrest shall be documented in the officer's written report, on the CAD entry, and if towed on the Tow Log.

E. Accident and Traffic Hazard Towing

Officers investigating accidents, or who encounter a disabled vehicle in traffic; where towing services are required shall have the Communications Center contact the preferred provider tow service.

- a. The cost of the towing service is the responsibility of the owner of the vehicle.
2. Vehicles disabled in an accident or mechanically disabled may be left at the scene for later repair or removal by the owner **only** if the owner/operator can make immediate arrangements to have the car removed in a timely manner, usually within 2-4 hours and the criteria listed below in (a.) and (b.) are satisfied.
 - a. The vehicle is legally parked or is placed on private property with the consent of the property owner.
 - b. The vehicle does not otherwise present a hazard to the public or the safe movement of traffic.
 - c. Vehicles not meeting the above criteria or able

to be removed by the owner/operator in a timely manner shall be towed at officer direction, via normal SMPD tow protocol.

3. Vehicles removed from traffic may be towed by a specific tow company at the owner's request and if the vehicle can be towed in a reasonable amount of time.

F. Vehicles Towed as Evidence

1. Vehicles seized for evidentiary purposes shall be towed by the Department's preferred provider towing service.
2. Vehicles seized shall be towed to the police department.
3. Vehicles seized for evidentiary purposes shall be accompanied by an officer from the point of seizure until secured at the station to ensure the chain of custody.
4. Vehicle seizures under this section shall be documented in the officer's written report of the incident and also in the Tow Log.
5. Vehicles seized as evidence shall only be released with the consent from the investigating officer, and/or the District Attorney's Office.

G. Recovered Stolen Vehicle Towing

1. Other jurisdictions reporting stolen vehicles later recovered in South Milwaukee shall immediately be notified by telephone and teletype of the recovery. The reporting agency shall provide a requested disposition of the vehicle including any special handling instructions such as:
 - a. Hold the vehicle for evidence or fingerprinting.
 - b. The location to where the vehicle should be towed.

2. The disposition of a vehicle stolen from and recovered in the City of South Milwaukee shall be determined through department records or contact with the assigned officer.
 - a. An attempt shall be made to process the vehicle on scene if the owner was contacted and can come to the scene to retain the vehicle.
 - b. If the vehicle cannot be processed on scene or is not operable the vehicle will be towed to the South Milwaukee Police Department for processing and release to the owner.
 - c. If the owner cannot be contacted the vehicle will be towed to the South Milwaukee Police Department for safekeeping until it can be released.
 - d. After processing the vehicle, if it can be secured, it shall be parked in the police department parking lot until it is released to the owner.

H. Illegally Parked, Special Event and Snow Emergency Towing

1. Vehicles may be towed when illegally parked in violation of the Snow Emergency Ordinance or special events restrictions.
2. Illegally parked vehicles that are towed will be issued a parking ticket or citation for the violation prior to towing.
3. In situations where a VIN or registration plate is not readily available officers shall issue a citation with the information available at that time. When/if proper identification of the owner is known the citation shall be corrected to reflect this information.

III. EFFECTIVE DATE

The effective date of this order is January 28, 2019

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-13

INDEX AS: Truck Law Enforcement

REPLACES: G.O. 16-35

EFFECTIVE: 06-29-2016

WILEAG: 6.1.1.5

SUBJECT: Truck Law Enforcement

PURPOSE: The purpose of this General Order is to define and establish guidelines for the enforcement of laws pertaining to trucks in accordance with the provisions of Wisconsin State Statutes, Chapters 194, 347, and 348 and to promote highway safety.

POLICY: It is the intent of this policy to aid South Milwaukee Police Officers to enforce traffic laws pertaining to trucks, in a uniform manner. The ultimate goal is to achieve voluntary compliance with the laws and regulations. The responsibility for enforcing these laws is shared by all sworn personnel.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. TRUCK ROUTE
- III. PERMITS
- IV. EQUIPMENT
- V. VEHICLE: SIZE & WEIGHT LOAD
- VI. INSPECTION
- VII. PROCEDURE FOR STOP

VIII. REFUSAL TO COMPLY

IX. EFFECTIVE DATE

I. DEFINITIONS

All definitions under Wisconsin State Statute Chapter 194 apply.

II. TRUCK ROUTE

A. South Milwaukee ordinance 28.16 - Heavy Traffic Routes:

1. No vehicle which has a gross vehicle weight of five tons (10,000 pounds) or more, except a motor bus, shall be moved or operated on any street within the City of South Milwaukee other than the following:
 - a. North Chicago Avenue
 - b. 10th Avenue
 - c. Marquette Avenue from 10th Avenue to 12th Avenue
 - d. South Chicago Avenue
 - e. Rawson Avenue
 - f. College Avenue
2. The foregoing streets shall constitute the truck route and no vehicle such as hereinbefore described shall deviate from travel on such streets unless it shall be necessary for the purpose of obtaining orders, moving or delivering supplies, commodities or equipment.
3. Any vehicle lawfully deviating from the truck route must travel between such truck route and its destination by means of the shortest practicable route available.
4. In no event shall the weight of any vehicle and the load on the street exceed the limitations contained in

Sections 348.15 or 348.16(3), Wisconsin State Statutes, pertaining to Class A Highways or deliveries on Class B Highways.

III. PERMITS

The Wisconsin DOT permit unit reference sheet for oversize/overweight single and multiple trip permits applies (Addendum A & B).

IV. EQUIPMENT

The following items of equipment must follow established state statute requirements:

1. Brakes
2. Couplings, hitches, and drawbars
3. Lights
4. Rear-end protection
5. Tires
6. Cargo securement
7. Safety equipment

V. VEHICLE: SIZE, WEIGHT AND LOAD

The Wisconsin Department of Transportation Motor Vehicle Size Regulation Summary and Maximum Weight Limitations Summary apply (Addendum C & D).

VI. INSPECTION

Wisconsin State Statute 194.11, Inspection of Premises or Vehicles, applies.

VII. PROCEDURE FOR STOP

- A. An officer observing a possible violation shall stop the suspect vehicle.

- B. The officer shall note the registration on the front and rear of the vehicle.
- C. The driver of the vehicle shall be told to remain inside the vehicle.
- D. The officer shall observe the condition of the truck; i.e. equipment.
- E. The driver of the vehicle shall be notified of the suspected violations.
- F. If the weight of the vehicle is the reason for the stop obtain the bills of lating (what is being carried in the vehicle). The officer should also check for an overweight permit. The officer should check the load weight and verify it is not over the gross weight.
- G. If the officer feels the vehicle is overweight order the driver to the weigh scale (I-94 & Hwy. 100, Oak Creek// Wisconsin State Statute 348.19).
 - 1. The driver of the vehicle is responsible for any fees incurred.
- H. The officer shall inquire into the in-house department computer if there have been any previous citations issued and shall cite accordingly; using the bond schedule as outlined in Wisconsin State Statute 348.21(3).
- I. All truck violation citations are written to the company.
- J. All operator violations are written to the operator.

VIII. REFUSAL TO COMPLY

Wisconsin State Statute 348.19(3) applies.

IX. EFFECTIVE DATE

The effective date of this order is January 28, 2019

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-19

INDEX AS: Operating While Intoxicated

REPLACES: G.O. 17-40

EFFECTIVE: 12-12-2017

WILEAG: 1.7.3, 1.7.4, 6.2.4, 7.1.1, 7.1.8.1, 9.1.6, 11.1.8

SUBJECT: Operating While Intoxicated

PURPOSE: The purpose of this General Order is to establish guidelines for arresting individuals operating a vehicle while intoxicated. Intoxicated drivers are a major cause of death and injury on the roadways. Because no two operating while intoxicated (OWI) offenses are the same guidelines have been established to handle these incidents. When a subject is arrested for OWI there is a legal procedure that must be followed to ensure a conviction.

POLICY: It is the policy of the South Milwaukee Police Department to strictly enforce laws relating to operating motor vehicles while intoxicated. The ultimate goal of this policy is to bring about a reduction in traffic deaths, traffic crashes, and increase public awareness concerning the problem of OWI. Enforcement will be discriminatively applied to all persons believed to be under the influence with no special treatment given to anyone. The following guidelines will be followed when a suspected OWI subject is arrested and decisions are to be made as to what test should be administered and when a subject should go before the Milwaukee County District Attorney.

This order consists of the following numbered sections:

- I. DEFINITIONS/STATUTES
- II. PROCEDURES
- III. EFFECTIVE DATE

I. DEFINITIONS/STATUTES

- A. Prohibited Alcohol Concentration: .08 grams of alcohol per 210 liters of breath or .08% of alcohol in blood, if first, second or third offense; .02 grams per 210 liters of breath or .02% alcohol in blood if fourth or greater offense, or suspect is under court order to have an Ignition Interlock Device installed.
- B. Implied Consent Law: Any person who drives or operates a motor vehicle upon the public highways of this state, or those areas enumerated in Wisconsin State Statute 346.61, is deemed to have given consent to one or more tests of their blood, breath or urine for the purpose of determining the presence or quantity of alcohol, controlled substances, a combination of alcohol and controlled substances, other drugs or a combination of alcohol and other drugs when requested to do so by a law enforcement officer under Wisconsin State Statutes 343.305(3)(a) or 343.305(3)(b).
- C. Substantial Bodily Harm: means bodily injury that causes a laceration that requires stitches, staples or a tissue adhesive; any fracture of a bone; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth (Wisconsin State Statute 939.22(38)).
- D. Great Bodily Harm: means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury (Wisconsin State Statute 939.22 (14)).
- E. 346.63(1)(a): Drive or operate a motor vehicle while under the influence of alcohol or a controlled substance.
- F. 346.63(1)(am) Drive or operate a motor vehicle with a detectable amount of restricted controlled substance in his/her blood.
- G. 346.63(1)(b): Drive or operate a motor vehicle with a prohibited alcohol concentration.
- H. 346.65(2)(f): Penalty enhancer for individuals convicted of OWI and there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation. A violation of this statute is a crime.

- I. 346.63(2m): If a person has not attained the legal drinking age the person may not drive or operate a motor vehicle while they have an alcohol concentration of more than 0.0 but not more than .08.
- J. 346.65(2q): Absolute sobriety violations with a minor passenger under 16 years of age.
- K. 346.63(2)(a): OWI causing injury is a felony if the offender has a prior OWI conviction.
- L. 347.413(1): Any court ordered Ignition Interlock Devices that are not installed, are disconnected, or are tampered with.

II. PROCEDURES

- A. Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend them when a violation is observed. After conducting an initial examination at the scene of the traffic contact and upon determining that probable cause to arrest is present, officers will affect a physical arrest of the subject.
- B. Detection is the first step in any OWI enforcement action. The officer's observations in this stage are crucial in establishing probable cause upon which the arrest decision is based. Officers will attempt to follow these guidelines:
 1. Recognize and identify specific driving behaviors that have a high probability of signifying that the driver may be impaired by alcohol and/or drugs. There does not have to be a traffic violation observed to stop a vehicle suspected of OWI. All that is needed is reasonable suspicion that the operator of the motor vehicle is under the influence of alcohol or controlled substances or other drugs.
 2. Recognize and identify specific driving or other behaviors occurring during vehicle stops that provide additional evidence/suspicion that the driver may be impaired.
 3. Exercise care and caution in pursuing impaired drivers and be alert for unusual or inappropriate reactions from the driver.

4. Apprehension should be made as soon as possible in a safe location. Officers should not permit unsafe driving to continue for an unreasonable length of time so as to endanger other motorists or pedestrians.
5. Notify the Communications Center of the location, vehicle description (10-28), number of occupants (if known) and the reason for the stop.
6. Request back-up if backup has not already been dispatched. Do not remove any vehicle occupants from the vehicle until backup has arrived.
7. Once the vehicle has stopped or at a crash scene and the driver is impaired, do not allow the driver to move the vehicle.
8. Obtain the driver's license and other information as necessary.
9. Interview the driver and passenger(s), especially if drugs or intoxicants have been consumed recently.
10. Recognize and identify specific characteristics or attitudes and actions commonly manifested by impaired drivers during face to face contact (slowed reactions, impaired judgment, impaired vision, poor coordination, odor of intoxicants, red/glossy eyes, and slow/slurred speech).
11. Note all observations leading to the suspicion that the driver may be impaired. If, based on those observations, you reasonably suspect the driver is impaired, you may extend the traffic stop to investigate further. Request the driver turn off the vehicle and exit the vehicle for further investigation.
12. Request the driver to move to a safe location to conduct field sobriety tests. Officers shall not conduct the Horizontal Gaze Nystagmus test with the suspect facing the patrol vehicle or any other flashing or rotating lights. Officers should note in detail the demeanor and actions of the driver as many symptoms of intoxication may be observed throughout the subsequent contact with them. (Note the driver's balance, coordination, reactions, and ability to follow instructions.)

13. Frisk driver for weapons prior to SFST for officer safety due to close proximity during testing.

C. Field Sobriety Tests

1. Officers shall attempt to conduct field sobriety tests on all drivers suspected of OWI. If the driver refuses to do any structured field sobriety tests document your observations of the driver (actions/statements) to establish probable cause for the arrest (**Refusal to do field sobriety tests can be used as probable cause for the arrest - State v. Babbitt, 188 Wis. 2d 349 (Ct. App. 1994)**).
2. The driver shall be informed that each test will be explained and demonstrated, where appropriate, by the officer prior to the driver taking the test and that their ability to comprehend and follow directions is part of the test. Officers will **not** deviate from the instructed Standardized Field Sobriety training.
3. The three Standardized Field Sobriety test that should be used:
 - a. Horizontal Gaze Nystagmus (HGN)
 - b. Walk and Turn (heel to toe)
 - c. One Leg Stand
4. Additional test(s) officers may elect to perform:
 - a. Alphabet Test
 - b. Finger to Nose/Balance Test
5. Preliminary Breath Test
 - a. The PBT is to be offered only if the officer has probable cause to believe the suspect was operating a motor vehicle while impaired. This is a lower standard than probable cause to arrest, but it must be more than reasonable suspicion. The PBT may be used as a tool to establish probable cause to arrest

(County of Jefferson v. Renz, 231 Wis. 2d 293 (1999)).

- b. The driver has the right to refuse to take the PBT. If the driver refuses to take the PBT, this can be a factor used to determine whether probable cause for arrest exists. If you have probable cause to believe the suspect is operating while impaired and offer a PBT, a refusal of the PBT shall constitute probable cause to arrest the suspect.

D. Arrest

1. If all elements of the OWI violation have been clearly established, the officer(s) shall effect a physical arrest of the subject. Officers will handcuff (double lock) and search the subject. The subject will then be secured in a designated transport squad for transport.
2. The officer will search the vehicle, incident to the arrest, and will then, if legally parked, secure the vehicle. Officers may legally park vehicles for arrestees, with consent and if safe to do so. If the vehicle is not otherwise legally parked, there is no licensed driver immediately available to legally park the vehicle with consent of the owner, the vehicle will be towed at the owner's expense after an inventory search is done in accordance with G. O. ORG 25: Search and Seizure.
3. When necessary, transportation will be arranged for any passengers.
4. An OWI, when there is a minor passenger under sixteen (16) years of age in the motor vehicle at the time of the violation (Wisconsin State Statute 346.65(2)(f), is a crime. Attempt to obtain verification of the child's age beyond a verbal statement. The Department of Milwaukee Child Protective Services is to be contacted for a referral.

E. Chemical Tests for Intoxication

1. The officer will transport the subject to the South Milwaukee Police Department or St. Luke's South Shore for evidential testing and processing.
2. While in the booking room all OWI subjects will be video-

taped. The video tape will be considered evidence and will be down loaded and “burned” to a DVD.

3. Officers will count convictions of OWI or refusals from **all** states to determine which offense this would be.
 - a. Charge code abbreviations that are to be counted as prior OWI offenses: CAD, CAH, CBH, CCS, CHI, CII, CWI, GBH, HAD, HAH, HBH, HCS, HHI, HIC, HII, HWI, IC, NHI, OCS, OII, OWA, OWI, and PAC.
 - b. How to count prior convictions:
 - 1). View the record and mark all OWI type convictions.
 - 2). If no priors exist, this arrest is a first offense.
 - 3). If only one prior and it is more than 10 years prior it is a first offense.
 - 4). If there is only one prior and it is within 10 years it is treated as a second offense.
 - 5). If one or more prior within 10 years then go back entire driving record (counting total OWIs).
 - 6). If there are 2 or more priors then count all OWIs regardless of convictions dates.
4. Informing the Accused
 - a. Read the form **verbatim**. Officers may utilize the translation hotline for non-English speaking subjects. Officers will not deviate from the language on the form.
 - b. If the subject asks a question, you may reread that portion of the form.
 - c. If the subject is conscious, the Informing the Accused form must be read prior to administering the test if the test is pursuant to Implied Consent. Make sure the

body worn camera is recording prior to and throughout this reading.

- d. If the person is unconscious, draw blood incident to arrest. An unconscious subject is presumed not to have withdrawn or provided consent, upon receipt of a signed search warrant, a specimen can be drawn under the Implied Consent Law (Wisconsin State Statute 343.305(3)(b)).
- e. Read and issue a new Informing the Accused for each type of test offered.

5. Officers will conduct evidential chemical test(s) in accordance with Wisconsin State Statute 346.63.
 - a. The primary test for first thru third offense OWI is breath; however, if the driver is suspected of being under the influence of drugs then the primary test shall be blood.
 - 1). If the PBT value does not support officer observations/SFST the primary test will be blood under Wisconsin State Statute 346.63(1)(am).
 - b. The primary test for fourth or subsequent offense OWI is blood.
 - c. It is mandatory to give a blood test for any felony OWI related offense (great bodily harm or death). If the subject refuses, conduct a forced blood draw upon receipt of a signed search warrant, also charge the refusal.
 - d. Vehicle crashes that cause "substantial bodily harm" to any person and where the officer detects the presence of alcohol, a controlled substance, a controlled substance analog or other drug, or a combination thereof, the officer shall request the operator to provide a blood test under the implied consent law after reading Informing the Accused. If the operator refuses to provide such sample they shall be charged with a refusal and a forced blood draw shall then be done upon receipt of a signed

search warrant.

- 1). A person who is unconscious or otherwise not capable of withdrawing consent is presumed to not have withdrawn or provided consent. A search warrant is necessary for a forced blood draw.
- e. All killed drivers in fatal crashes are required to be tested under Wisconsin State Statute 346.71 (2). Surviving drivers involved in fatal crashes can be tested if there exists probable cause to suspect drug/alcohol impairment [Wisconsin State Statute 343.305 (3) (a) and (am)], the driver is operating a Commercial Motor Vehicle (FMCSR 382.303) or if conditions exist that are pursuant to Wisconsin State Statute 343.305 (3) (ar)(1). The Milwaukee County DA's Office/Duty DA should be contacted for guidance during these incidents.
- f. Officers will encourage all surviving drivers to willingly submit to a BAC test regardless of circumstances.
(G.O. TFC-5: Crash Investigations)

6. If the subject refuses to submit to the evidential chemical test, the officer will complete the appropriate forms to invoke the implied consent sanction. Blood will **not** be forcefully drawn on 1st Offense OWI, the refusal to provide blood shall be processed as a refusal.
7. If a subject's breath alcohol content does not substantiate impairment, the officer will then conduct a test for drugs or search for some medical condition that may cause the impairment.
8. Subjects consenting to, or subject to a forced blood draw (with a warrant) will be transported to St. Luke's South Shore Hospital by squad car for the evidentiary blood alcohol chemical test.
 - a. Officer(s) are responsible for providing Saint Luke's South Shore Hospital with a blood kit.
 - b. The blood sample shall be drawn by a qualified person designated by the hospital in the presence of the arresting officer.

- c. The sample should be labeled, sealed and packaged by the officer or the person who performed the blood draw in the officer's presence. The sample shall remain in the South Milwaukee Police Department's custody until transported/mailed to the Wisconsin State Crime Laboratory.
 - 1). All felony blood draws are to be hand delivered to the Milwaukee Office of the Wisconsin State Crime Laboratory.
 - 2). All other blood draws are to be mailed by the arresting officer (to maintain chain of custody) to the Madison Office of the Wisconsin State Crime Laboratory. The chain of custody shall be documented in the incident report.
 - a. Refer to Attachment regarding blood kit procedures.
 - b. Refer to Attachment regarding packaging of blood kits for mail and/or delivery to the Crime Lab.
- d. An officer may require the drawing of a blood sample from a person who is unconscious or otherwise not capable of withdrawing their Implied Consent to an evidentiary chemical test if the officer has probable cause to believe the person has violated Wisconsin State Statutes 346.63(1), (2), or (2m) or 940.25 or 940.09.
- e. The Implied Consent Law applies equally to minors; no further consent by a minor's parent is necessary for tests to be performed by hospital personnel.
- f. Officers shall document, in their report, who drew the blood (ie. name and title), the time the blood was drawn (ensure the time matches the hospital time), and the hospital where the blood was drawn.
- g. If an officer requests both an alcohol and drug screen and does not need the drug screen because the alcohol content is above the prohibited level by state

law, the officer will check the box advising to cancel the drug screen if alcohol content is over the prohibited level by state law. Officers will request for a drug panel for any reported BAC under .10 for court purposes.

- h. If an officer requests only a drug screen the laboratory should be advised what drug the blood is to be screened for if suspected by the officer, however it is not mandatory if drug type is unknown.
- i. If an officer is conducting a legal forced blood draw for drugs **only** and there is evidence of impairment which leads to probable cause for the arrest, then the blood may be forced upon receipt of a signed search warrant (please use attached search warrant which includes specific hospital language and is found in TRACS). If there is **no clear evidence of impairment**, but any other probable cause exists to arrest for operating a motor vehicle with a detectable amount of a restricted controlled substance, a blood draw may be forced upon receipt of a signed search warrant.
- j. When the test results are returned:
 - 1). If .01 to .079 on a first offense, refer to the City Attorney for disposition. If .01 to .079 on a second or third offense; or .01 on fourth or subsequent offense, refer to the Milwaukee County District Attorney's office for disposition. A blood draw may still now be requested if there is noticeable impairment that would lead the officer to reasonably believe that the subject is probably under the influence of a drug as well as an intoxicant. If the subject refuses, the subject may be processed as a refusal.
 - 2). If .08 or more on a first, second or third offense; or .02 or more on a fourth or subsequent offense:
 - a). Issue a citation for prohibited alcohol

concentration.

- b). Complete the Administrative Suspension form and either mail or deliver in person to the driver.
- 9. Officers should attempt to ensure all chemical tests for intoxication are taken within three (3) hours of the last operation of the vehicle by the driver.
- 10. On all OWI blood draws, an officer may request a drug screen. Probable cause has already been established leading to the arrest of the subject under 346.63. The WI Hygiene Lab/ Crime Lab may cancel the request if the BAC is in excess of the statutory limit.

F. Refusal of Test

- 1. On a second or subsequent OWI arrest if the person refused the Implied Consent, the officer may obtain evidence of intoxication by conducting a search incident to lawful arrest upon receipt of a signed search warrant. The Milwaukee County District Attorney's Office fillable blood draw search warrant in TRACS (Attachment) will be completed and forwarded to the Duty DA and Duty Judge for approval.
- 2. Fill out the Notice of Intent to Revoke form and give the person a copy. The current form includes a thirty (30) day driving receipt.
- 3. Deliver or mail a copy of the Notice of Intent to Revoke Operating Privilege form pages 1 & 2 and license to the Milwaukee County Circuit Court.
- 4. Mail a copy of the Notice of Intent to Revoke Operating Privilege to the Revocation and Suspension Section of the Wisconsin Department of Transportation.
- 5. Deliver or mail a copy of the Notice of Intent to Revoke Operating Privilege form to the Milwaukee County District Attorney's Office. Include a copy in the DA's case file for possible DA processing/charging.

G. Post Chemical Test Processing

1. Upon receipt of the chemical test results of .08% or more on a first, second or third offense; or .02 or more on a fourth or subsequent offense the arresting officer shall issue a citation for 346.63(1)b Operating a Motor Vehicle with Prohibited Alcohol Concentration.
2. The officer will complete the incident report and all OWI required forms:
 - a. Alcoholic Influence Report
 - b. Informing the Accused
 - c. Intent to Suspend
 - d. OWI Search Warrant (if applicable)
 - e. Copies of ALL OWI forms are to be placed into the clerk's inbox basket for filing/attachment.
3. The officer will issue the driver the following forms when applicable:
 - a. A Notice of Intent to Suspend Operating Privilege
 - b. Notice of Intent to Revoke Operating Privilege
 - c. An Administrative Review Request
 - d. Pink copy of the Informing the Accused
 - e. Copies of any citations issued to the subject
 - f. A copy of the OWI Search Warrant (if applicable)
 - g. Copies of Intoximeter results
4. Within five (5) days after the issue date of the Notice of Intent to Suspend Operating Privilege the officer must forward the following to the Division of Motor Vehicles:
 - a. A copy of the Informing the Accused form.

- b. A copy of the incident report.
- c. A copy of the chemical test result that is the basis of the suspension.
- d. A copy of the Notice of Intent to Suspend Operating Privilege.

H. 1st Offense OWI

1. A first offense OWI it is a municipal ordinance violation. The primary test for this offense is breath. If a subject refuses to give a sample of breath they are to be processed as a refusal and the appropriate paperwork, including a citation for 1st Offense OWI, shall be completed and forwarded to the Municipal Court.
2. A first offense/violation is a crime if there was a minor passenger under sixteen (16) years of age in the motor vehicle at the time of the violation.
3. A first offense/violation is a crime if the OWI resulted in an accident/crash causing injury.

I. 2nd Offense OWI

1. A second OWI offense is a crime and should be handled as a criminal offense.
2. The primary test for second offense OWI is breath.
 - a. If a subject refuses to give a sample of breath a search warrant shall be obtain. Upon receipt of the signed search warrant the subject will be transported to Saint Luke's South Shore Hospital for a forced blood draw.
3. After the blood is drawn, the subject should be returned to the South Milwaukee Police Department to complete the booking process. The subject shall be processed as a refusal and the appropriate paperwork shall be completed.
4. Second Offense and higher OWI arrestees will be held in

custody and transported to the Milwaukee County Jail for a charging conference within 48 hours of arrest. Bail can be posted at the Milwaukee County Jail.

J. 3rd Offense OWI

1. A third offense OWI should follow the same procedures as outlined for second offense OWI (I. 1 - 4 above).

K. 4th and Subsequent OWI

1. The Alcohol Concentration limit is .02 grams of alcohol for a fourth and subsequent violation.
2. Fourth and subsequent violations are felony offenses.
3. The primary test for a fourth or subsequent OWI is blood. The subject is to be transported to St. Luke's South Shore for a voluntary blood draw.
 - a. If the subject refuses the primary test a search warrant shall be obtained. Upon receipt of a signed search warrant a forced blood draw will be conducted.
4. The blood is to be transported, the next day, to the State Crime Lab (Milwaukee) for analysis.

L. Absolute Sobriety or Not a Drop.

When a person under age 21 is stopped while operating a motor vehicle and the officer detects the odor of an intoxicant, the officer should proceed in the same manner as with any other person who is suspected of operating a motor vehicle while under the influence of an intoxicant. If the subject refuses to submit to testing obtain a search warrant for a forced blood draw.

1. Administer field sobriety tests.

- a. If there is probable cause to believe that the person is OWI, charge with Section 346.63(1)(a). An Intoximeter test is to be administered if the subject has less than three (3) prior convictions for OWI and a blood test should be administered if the subject has three (3) or more prior OWI convictions.

- b. If probable cause does not indicate that the person is OWI, charge the person with a violation of Section 346.63(2m), Absolute Sobriety.
- c. If the person refuses the Implied Consent, process the same as an adult OWI refusal.
- d. Absolute Sobriety violations where there is a minor passenger, under the age of 16 years old, is a criminal violation under 346.65(2q).

M. Commercial Motor Vehicle Violations

1. Commercial Motor Vehicle (CMV) operators are not allowed to have open or closed intoxicants in the cab or vehicle that is not listed as part of the load.
2. The legal limit for OWI arrests for CMV operators is .04 grams of alcohol.
3. A CMV operator is subject to Not a Drop laws which require an arrest for any alcohol reading on a PBT between .00 and .04 grams of alcohol.
4. CMV operators are not allowed to operate a CMV within 4 hours of consuming alcohol.
5. The odor of an intoxicating beverage by itself will satisfy the requirement of probable cause for an arrest of a commercial motor vehicle operator for a CMV absolute sobriety alcohol violation.
6. If probable cause to arrest for OWI exists, arrest for OWI and proceed as in other OWI arrests. In addition to the OWI charge the following steps must also be taken:
 - a. A citation for violation of Wisconsin State Statute 346.63(7)(a)1, shall be issued upon either obtaining a measured alcohol concentration level greater than .00 or a refusal.
 - b. Upon completion of the 346.63(7)(a)1 citation, a 24 hour Out-of-Service Order shall also be issued, Wisconsin State Statute 343.305(7)(b).

7. The operator's company will be notified whenever an out-of-service order is completed to allow them to send an alternate driver to the scene.

N. Ignition Interlock Devices (IID)

1. Under Wisconsin Statute 343.301(1g), any subject convicted of a first offense OWI with a BAC of .15 or higher, any 2nd or subsequent OWI, or a chemical test refusal is ordered to have an IID installed in any vehicle they own or are operating.
2. Under Wisconsin Statute 347.413(1), officers may arrest and refer to the DA's Office, any subject found to be operating a motor vehicle in which the IID has not been installed or has been disconnected or tampered with and the subject is under court order to have an IID installed in any vehicle the subject is operating, if the driver is operating with any valid DL.
3. If any subject who has been Court ordered to have an IID installed in the vehicle they are operating has a BAC limit of .02, regardless of the number of prior OWI convictions, they are to be processed as an OWI.
4. IID restriction noted on driver's record by DMV. Two restrictions will show:
 - a. IID required
 - b. No operation with alcohol concentration greater than 0.02.

O. Release of Intoxicated Drivers after Processing

1. Persons arrested for 1st offense OWI may be released after all processing is completed, all paperwork has been served, and assuming no other charges have been filed requiring the posting of bond, to a responsible, sober adult who is willing to take responsibility for the driver. The responsible, sober adult will be required to sign the OWI Responsibility Form (Attachment A). The officer shall also document who the subject was turned over to in the incident report.
2. Persons unable to be turned over to a responsible adult as

described in section 1 above must be held in custody for twelve (12) hours after their 1st offense OWI unless the subject submits to a PBT resulting in a reading of .04 or lower, or the 12 hours has expired (whichever comes first). This does not apply to 1st offense refusals and those subjects arrested for drugged driving, who will remain in custody for the full 12 hours unless section 1 applies.

3. Any person arrested for an OWI offense, which resulted in a legal blood draw, pursuant to Wisconsin State Statute 346.63, shall be billed for that blood draw. The OWI Blood Draw Surcharge form (Attachment B) will be filled out and given to the arrested person. A copy of the form will be kept at the Department for record.

P. Evidence of Offense

1. Booking room video, and/or body worn camera video obtained as evidence will be down loaded and saved onto a DVD.
2. Crash photographs and diagrams will be preserved as evidence.
3. Injury photographs will be preserved as evidence.

II EFFECTIVE DATE

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

William R. Jessup
Chief of Police

Attachment: A - OWI Responsibility Form
B - OWI Blood Draw Surcharge Form
C - Search Warrant Form
D – Blood Kit
E – Blood Kit Sealing Instructions



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-14

INDEX AS: Automated License Plate Reader
(ALPR)

REPLACES: G.O. 16-21
EFFECTIVE: 03-11-2016

WILEAG:

SUBJECT: Automated License Plate Reader

PURPOSE: The purpose of this General Order is to establish guidelines for operation of the Automated License Plate Reader (ALPR). The South Milwaukee Police Department has deployed ALPR(s) to enhance the productivity, effectiveness and safety of officers. It is essential that officers using the ALPR equipment, or accessing the database for investigative purposes, receive the proper training and are knowledgeable in the laws that govern such systems. This policy outlines what training officers shall receive before operating the ALPR systems, and the procedures for using the data that is collected.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURE

III. EFFECTIVE DATE

I. DEFINITIONS

A. Automated License Plate Reader (ALPR) – A combination of physical equipment (cameras) and software that captures images of vehicles and their registration.

B. Hot List – A list of license plate numbers which include, but is not limited to stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER alerts. The lists are regularly added and updated. Information for hot lists can come from a variety of sources, including NCIC,

CIB, the South Milwaukee Police Department or other law enforcement agencies.

- C. eTime Hot List – The available CIB database extracts for ALPR systems that include NCIC hot files, CIB hot files and Wisconsin DOT vehicle registration data. The list is updated daily.
- D. PAGIS – The in-squad software that operates the ALPR equipment.
- E. BOSS – The software used to generate license plate inquiries and reports from the ALPR.

II. PROCEDURE

- A. Administrative
 - 1. No personnel may use the PAGIS or BOSS software unless they have received training.
 - 2. Equipment or software issues shall, as soon as practical, be reported to the on-duty supervisor or OIC.
 - 3. ALPR data shall only be used for official and legitimate law enforcement business.
 - 4. Data collected by the ALPR's shall be kept for a period of one (1) year*. Data that has been used as evidence for a municipal or state offense shall be archived for the statute of limitations for the offense committed. *Data collected is stored in server hosted by the Greenfield Police Department and kept for a minimum of 1 year as agreed upon by the WI ALPR Association.
 - 5. Open record requests shall follow General Order RCD-1: Open Record Requests and RCD-3: Driver's Privacy Protection Act (DPPA).
 - 6. Open record requests for ALPR data that was not captured with the SMPD ALPR equipment will not be fulfilled.
 - 7. Open record requests from other law enforcement agencies conducting an investigation will be honored.

B. Patrol

1. Department personnel may not use the ALPR system unless trained in its use and protocols.
2. Officers using an ALPR equipped vehicle shall ensure they login to PAGIS and operate the equipment as trained. Unless there is a malfunction of equipment, the ALPR equipment shall be operational during the officer's shift.
3. When the ALPR system indicates that a license plate is on a hot list, prior to taking any enforcement action, the officer shall make all reasonable efforts to verify the captured plate image matches the plate number of the vehicle.
 - a. Confirm that the hot list indicator is accurate by verifying it through the communications center or by the officer.
 - b. The communications center or the officer will then run the plate through DOT records to verify its status.
4. If action is taken by an officer due to an alert by the PAGIS software, they shall complete and save the "Set Disposition" data.

C. Investigative

Access to the stored ALPR data and the BOSS software shall be limited to searches (BOSS) of the ALPR data limited to law enforcement investigations. Investigations which use information obtained through the ALPR database shall document the fact that ALPR data was used.

[REDACTED]

III. EFFECTIVE DATE

The effective date of this order is January 28, 2019

William Jessup
Chief of Police

Addendum A:
Addendum B:

Hot List Request Form
WI ALPR Association By-Laws

