

Smith, Allyson

From: Chisholm, Theodore
Sent: Monday, October 19, 2020 5:46 PM
To: Haas, Jason; Johnson Jr, Willie; Moore Omokunde, Supreme; Taylor, Sequanna; Czarnezki, Joseph; Rolland, Shawn; Sumner, Liz; Clancy, Ryan
Cc: Smith, Allyson; Cady, Steve
Subject: Follow-Up Communication - Mobile Application

Good afternoon Chairman Haas and Supervisors:

Today, we received the following information from MobilePD, the vendor maintaining the MCSO Mobile App:

- There are 1,444 users who have downloaded the app on iOS.
- There are 314 users who have downloaded the app on Android.
- 1,758 users in total have downloaded the app.

Additionally, I have received additional information regarding the status of the app. The app became unavailable through the respective application stores in late September because of the ongoing upgrade to the new AtlasOne app. The existing developer's license for the initial app expired at the end of September, and given the imminent upgrade to the new platform, it was not renewed. It is anticipated that the upgraded app will be available in the respective app stores next week, again at no additional cost to the County. According to the application developer, "I'm confident once we launch Atlas One, we'll get over 2k downloads in the first 24 hours."

Respectfully,

Theodore F. Chisholm | Chief of Staff
Milwaukee County Sheriff's Office
821 W. State Street, Room 107-E
Milwaukee, WI 53233
Phone: (414) 639-5263

Smith, Allyson

From: Chisholm, Theodore
Sent: Sunday, October 18, 2020 10:12 PM
To: Haas, Jason; Johnson Jr, Willie; Moore Omokunde, Supreme; Taylor, Sequanna; Czarnezki, Joseph; Rolland, Shawn; Sumner, Liz; Clancy, Ryan
Cc: Cady, Steve; Smith, Allyson
Subject: Fw: Inquiries
Attachments: OLAC Summary of CDC Eviction Ban.pdf

Chairman Haas and Finance Committee Members:

I am also submitting a report previously provided to Supervisor Clancy, which may provide further information on points of interest.

Respectfully,

Theodore F. Chisholm | Chief of Staff
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From: Chisholm, Theodore
Sent: Monday, October 12, 2020 7:45 PM
To: Clancy, Ryan <Ryan.Clancy@milwaukeecountywi.gov>
Subject: Inquiries

Supervisor,

I am providing the following answers in response to your request for information. Please note that several of your questions seek information in formats or metrics other than those used by the County. To the extent possible, I have answered your specific questions; however, this was not always possible. For example, deputy hours spent on eviction service are not tracked separately from deputy hours spent on other forms of civil process service, as the Civil Process Unit handles a diverse workload. Additionally, MCSO uses one time code for activations due to protests and marches, which is utilized by all activated personnel and is not broken down by unit. Similarly, neither the Sheriff's Office nor, to my knowledge, any other county department track "hours not assigned" due to various contingencies; we do maintain statistics related to hours worked in each unit over the course of the year.

Specialized Units

- Actual hours spent on training of deputies in each specialized unit, with a particular focus on the MIRT(MRT) and SWAT teams:

Team	2019 Total	2020 YTD	2020 anticipated future	average per month

		5,314.75	2,935.02	8,249.77
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- Any costs other than overtime, including those covered by grants or other third-party sources, attributable to each of those units.

2020 Grants:				
4062 MRT	Gas Masks (WEM)			\$24,387.63
4064 SWAT	Agilemesh Video Equipment (WEM)			\$44,895.00
	Agilemesh Training (WEM)			\$2,000.00
	Dignitary Protection Classes (WEM)			\$31,000.00
4058 EOD	Portable X-Ray (WEM)			\$5,300.00
	Bomb Suits Grant from 2019 (WEM)			\$35,000.00
	Bomb Suits Grant from 2020 (WEM)			\$35,000.00
	Static X-Ray (WEM)			\$28,374.20
	Donations in Honor of Deceased Unit Member			\$425.00
2020 Other Costs (non-Salary/Not grant funded):				
4062 MRT	None			\$0.00
4064 SWAT	Range Rental			\$275.00
	Conference Expenses			\$6,912.00
	Fire Suppression System			\$3,199.96
	Less-than-Lethal Munitions and Equipment			\$12,660.61
	Less-than-Lethal Munitions			\$15,307.80
				\$38,355.37
4058 EOD	Dues for IABTI (Professional/Educational Association)			\$370.00
	Travel Costs for Meetings			\$5,990.13
	Gasoline			\$437.60
	Non-Static Polo Shirts for Bomb Technicians			\$306.00
				\$7,103.73

Process/Evictions

See above regarding "deputy hours not worked" - evictions are but one of several forms of civil process that our Civil Process Unit serves, such as temporary restraining orders, injunctions, subpoenas, summonses and complaints, three-party petitions, letters of authority, and extraditions. The unit maintained a full workload during the two eviction moratoriums/bans. Regarding specific eviction service statistics (October 2020 is not included and September 2020 may not be fully complete in this table):

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Temporary CDC Eviction Ban

Although the Milwaukee County Sheriff's Office is statutorily obligated to perform evictions after a landlord obtains an order from the court, this agency is aware of the CDC's September 4, 2020 Order which temporarily halts certain residential evictions for nonpayment of rent through December 31, 2020. This halt applies when tenants who meet a specific set of income, work, and housing requirements present their landlords with a **signed declaration**. As such, the CDC eviction halt is quite different from expired moratoriums previously issued by the State of Wisconsin and the courts that protected all residential tenants during the applicable time period. The CDC's Order protects from eviction only a select group of people who meet the criteria and take the steps specified by the CDC.

Because court-ordered evictions currently delivered to the Milwaukee County Sheriff's Office typically do not identify the reason for the eviction (e.g., nonpayment of rent, criminal activity while on the premises, damaging property, etc.) this agency developed a process to ensure fairness to both parties involved in the eviction and to remain legally compliant with its statutory obligations and the CDC's Order.

At this time, tenants present during an eviction are asked if they have delivered or intend to deliver a CDC declaration to their respective landlords. If the tenant states "yes," the tenant is asked to attest as such on a form provided by this agency, the eviction process is halted, and the landlord is directed to contact the court that issued the eviction for further guidance. If a tenant is not present, the landlord or its representative is asked if the landlord has received a CDC declaration from a tenant. If the answer is "no," the landlord is asked to attest as such on a form provided by this agency and the eviction process goes forward.

The nature of the CDC's temporary halt on evictions has led to understandable misconceptions that it is a moratorium on all evictions. This is not the case. The CDC Order does not prevent all tenants from being evicted—only those who opt-in to the protections by signing a declaration attesting they meet the eligibility requirements of the CDC Order.

Smith, Allyson

From: Chisholm, Theodore
Sent: Sunday, October 18, 2020 10:05 PM
To: Haas, Jason; Johnson Jr, Willie; Moore Omokunde, Supreme; Taylor, Sequanna; Czarnezki, Joseph; Rolland, Shawn; Sumner, Liz; Clancy, Ryan
Cc: Cady, Steve; Smith, Allyson
Subject: MCSO Responses
Attachments: MCSO Lexipol Policies (1).zip

Good evening Chairman Haas and Finance Committee Members:

I am submitting several written responses from the Milwaukee County Sheriff's Office following our budget presentation on Wednesday, October 14. Additionally, I will be present for the virtual Finance Committee meeting tomorrow morning should additional questions arise. Some of these answers may require additional follow-up due to the significant level of research required to address certain questions as initially posed.

Response 1: The initial development costs for the Milwaukee County Sheriff's Office (MCSO) Mobile App, annual maintenance costs for the app, budget authorization (including budgetary year) for spending on the app, the number of times the app has been downloaded, and the number of reports submitted through the application.

The Milwaukee County Sheriff's Office mobile application is a subscription-based service in which the Milwaukee County Sheriff's Office utilizes an interface provided by a vendor, MobilePD, which also services law enforcement agencies elsewhere in the United States. The application provides Milwaukee County residents with a customized interface based on a universal template used by MobilePD. The application was first rolled out in late 2018, at which time MobilePD waived initial upkeep costs; upkeep costs in the amount of \$9,999.00 have been paid annually by Milwaukee County to MobilePD in 2019 and 2020. This expenditure is included within IMSD's IT Spend for the Milwaukee County Sheriff's Office and is not included in the Sheriff's Office operating budget. I am working to obtain information regarding application usage (downloads and reports submitted) and hope to have that information available by tomorrow morning's hearing; additionally, I will submit this information to the Committee by email as soon as I receive it. Notably, this mobile application is essentially a preliminary version of an even more engaging interface which will digitize, at the mobile level, a broader array of agency services. The Sheriff's Office is currently working in tandem with the Milwaukee Police Department to unveil this upgraded application, "AtlasOne," in the immediate future. The upgraded "AtlasOne" application will also cost \$9,999.00 annually.

Response 2: Information regarding all MCSO deployments to non-County properties since May 15, 2020, and corresponding mutual aid requests if applicable, and corresponding deputy work assignment codes, especially as it pertains to deployments on 10/11/20, or other similar deployments.

The Milwaukee County Sheriff's Office has activated personnel during protests and marches since May 15, 2020, consistent with our obligations to protect individuals demonstrating and engaging in business in the county, to secure county property and infrastructure, and to fulfill our statutory mandate to "keep and preserve the peace in" Milwaukee County. Since May 15, 2020, the Milwaukee County Sheriff's Office has utilized the activity code S171 to log deputy work assignments associated with protests and marches, including on October 11, 2020. This tracking initiated in the pay period beginning on May 17, 2020 and concluding on May 30, 2020. During protest-and-march-related activations after May 15, 2020, Sheriff's Office personnel have been assigned to secure facilities and infrastructure within Milwaukee County's primary patrol jurisdiction and to provide support to other law enforcement agencies. As Milwaukee County's chief law enforcement agency, the Milwaukee County Sheriff's Office must at times provide assistance and support to other agencies that operate within its jurisdiction and that participate in regional mutual aid compacts. Information

regarding certain mutual aid requests and/or "all-calls" for law enforcement assistance may be most accessible through the OEM Dispatch Log.

Response 3: A listing of all Standing Operating Procedures (SOP), broken down by those currently published, and the 280 Operating Procedures in draft form; as well as a timeline for public publishing of SOPs.

All current policies and procedures have been attached, in list form and in full text. These policies currently govern agency operations. A list of policies and procedures in draft form, which are incomplete, not yet operative, and therefore do not govern agency operations, will be sent to the Committee tomorrow. It is anticipated that public publishing of policies and procedures will begin in the first quarter of 2021 and will be complete by the third quarter of 2021, when the agency's policy and procedure review process concludes. All currently operative policies and procedures are public records.

Response 4: Information regarding costs incurred by departmental accommodation of Immigration and Customs enforcement.

The Milwaukee County Sheriff's Office does not hold individuals in custody on U.S. Immigrations and Customs Enforcement (ICE) detainees. Additionally, MCSO does not participate in or facilitate ICE field operations nor does it, in any way, act as an immigration enforcement agency. MCSO complies fully with all federal laws and regulations prohibiting interference in communications with ICE, and maintains no prohibited policies or practices restricting communications with ICE. There is no fiscal cost associated with the aforementioned.

Response 5: Information regarding expenditures for bodycam and taser purchases.

On Thursday, May 28, 2020, the Board of Supervisors authorized a four-year contract between Milwaukee County and Axon, the vendor supplying MCSO's body cameras, squad cameras, and Tasers, as well as electronic storage solutions. This approved contract entails annual expenditures to Axon totaling \$2,111,664 over four years (\$527,916 annually).

Response 6: A breakdown of costs incurred by the Investigative Services Division.

The Investigative Services Bureau is responsible for criminal investigations directly supporting and facilitating Milwaukee County Sheriff's Office patrol operations, specialized investigations associated with the Milwaukee County Jail, investigations into criminal activity occurring on Milwaukee County property and within Milwaukee County facilities, executive protection services for the Milwaukee County Executive, internal criminal investigations within the Sheriff's Office, crime analysis services, information management and data analysis, field night inspections of Sheriff's Office operations, and employment background checks. Currently, the Investigative Services Bureau does not correspond to a strategic program area in the 2020 operating budget, as it was not consolidated in its current form until January 2020. Investigative costs are located primarily within strategic program area 4052 ("General Investigations"); additionally, investigative costs are associated with strategic program area 4066 ("HIDTA"), which supports longstanding Sheriff's Office involvement in the High Intensity Drug Trafficking Area Task Force.

Please see below for a general breakdown of the General Investigations and HIDTA strategic program areas for FY 2020 YTD:

	Office of the Sheriff	2020 YTD Actual
4052	General Investigations	
PS	Personal Services	1,319,728
SV	Services	18,902
CM	Commodities	26,318

OC	Other Charges	0
CP	Capital Outlay	0
XC	Crosscharges - Service Chgs	40,542
AB	Crosscharges - Abatements	0
TOTEXP	Total Expenditures	1,405,490
OD	Other Direct Revenue	0
SF	State and Federal Revenue	54,543
IR	Indirect Revenue	0
TOTREV	Total Revenues	54,543
LEVY	Property Tax Levy	1,350,947

	Office of the Sheriff	2020 YTD Actual
4066	HIDTA	
PS	Personal Services	35,574
SV	Services	0
CM	Commodities	0
OC	Other Charges	0
CP	Capital Outlay	0
XC	Crosscharges - Service Chgs	2,452
AB	Crosscharges - Abatements	0
TOTEXP	Total Expenditures	38,026
OD	Other Direct Revenue	0
SF	State and Federal Revenue	39,446
IR	Indirect Revenue	0
TOTREV	Total Revenues	39,446
LEVY	Property Tax Levy	(1,420)

Respectfully,

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Milwaukee County Sheriff's Office

Custody Manual

CODE OF ETHICS

My fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

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

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

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

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

Drug- and Alcohol-Free Workplace

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace by supplementing the existing Milwaukee County Substance Abuse Procedure.

200.2 POLICY

It is the policy of this agency to provide a drug- and alcohol-free workplace for all members.

200.3 ADDITIONAL GUIDELINES

200.3.1 ABSOLUTE SOBRIETY ON DUTY

No employee shall report for duty or remain on duty while having an alcohol concentration greater than 0.00% BAC (blood-alcohol concentration).

200.4 MEMBER RESPONSIBILITIES

Members who are authorized to consume alcohol as part of a special assignment, with the written consent of the Sheriff or his/her designee, shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace immediately after such conviction (41 USC § 8103).

200.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

200.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

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Drug- and Alcohol-Free Workplace

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Agency.

200.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

200.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

200.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

200.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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Drug- and Alcohol-Free Workplace

200.9 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Supervision of Inmates - Minimum Requirements

202.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the facility through the application of appropriate staffing levels.

202.2 POLICY

It is the policy of this agency to provide for the safety and security of citizens, staff and inmates through appropriate staffing levels that are sufficient to operate the facility and perform functions related to the safety, security, custody and supervision of inmates.

202.3 SUPERVISION OF INMATES

There shall be, at all times, sufficient staff designated to remain in the facility for the supervision and welfare of inmates, to ensure the implementation and operation of all programs and activities, as required by minimum jail standards, and to respond to emergencies when needed. Such staff must not leave the facility while inmates are present and should not be assigned duties that could conflict with the supervision of inmates (Wis. Stat. § 302.42).

When both male and female inmates are held at this facility, a minimum of one male and one female correctional officer should be on-duty in the jail at all times (Wis. Stat. § 302.41).

Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite sex in circumstances that constitutes an invasion of privacy or that may be degrading or humiliating to the inmates. Staff used as program resource personnel with inmates should be of the same sex as the inmates when reasonably available. However, at least one staff member of the same sex as the inmates should be on-duty and available to the inmates during all such activities.

To the extent reasonably practicable, inmate bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised.

The Jail Commander or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules.

202.4 SEPARATION OF DUTIES

Maintenance personnel are employed to perform preventive, routine and emergency maintenance functions. Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising inmates.

Access of Records and Data

207.1 PURPOSE AND SCOPE

This policy establishes guidelines for the control and access of confidential records by staff, contractors and volunteers.

207.2 ACCESS TO CRIMINAL RECORDS

Official files, documents, records, electronic data, video and audio recordings and information held by the Milwaukee County Sheriff's Office or in the custody or control of agency employees, volunteers or contractors are regarded as non-public and/or confidential.

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Employees working in assigned areas will only have access to the information that is necessary for the performance of their duties. Granting access to other employees or anyone outside of the work area must meet with supervisory approval. All requests for information received from non-law enforcement sources outside the Agency shall be forwarded to Public Records.

Custody staff, volunteers and contractors shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, video or audio recordings or other confidential information except as required in the performance of their official duties and in accordance with agency policies, statutes, ordinances and regulations related to data practices.

Custody staff, volunteers and contractors who are uncertain of the confidentiality status of any document should consult with a supervisor or Jail Commander or the authorized designee to determine the status of the documents in question.

207.3 STAFF TRAINING

Prior to being allowed to work inside this facility, all custody staff, volunteers and contractors will receive training on agency records, policies and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes.

Perimeter

214.1 PURPOSE AND SCOPE

The purpose of this policy is to establish this facility's security perimeters, to ensure that incarcerated inmates remain inside the perimeter, and that visitor, vendor, volunteer and employee access is granted only with proper authorization and through designated safety vestibules and sallyports. The secure perimeter of this facility will provide protection from the escape of persons being processed, held or housed, and will act as a defense against the entry of unauthorized persons. It shall also be maintained to prevent contraband from entering the secure areas of the facility.

214.2 POLICY

All entry points to the secure perimeter of the facility shall be monitored and controlled continuously by Master Control staff. The entire perimeter shall be inspected, maintained, monitored and continuously assessed to ensure its physical integrity and prevent unauthorized entry, inmate escape and contraband from entering the facility.

214.2.1 VISITORS

This facility shall be maintained as a secure area and no person shall enter any portion of the inner perimeter without specific authorization from the Jail Commander or the authorized designee. All visitors shall be required to provide satisfactory identification, such as a valid driver license, valid passport or military identification. Visitors shall be entered into the visitor log and the reason for the visit should be noted. Visitors must wear a visitor's badge at all times and shall be escorted by one or more staff members at all times, while they are in the secure areas of the facility.

214.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff. The Jail Commander or the authorized designee shall ensure that a staffing plan is in place to monitor the secure perimeter of the facility. Suspicious activity at or near the perimeter shall be immediately be reported to Master Control. Master Control staff shall notify the shift commander and initiate an appropriate law enforcement response.

Individuals suspected to be in violation of any law may be subject to detention or arrest. Warrant checks should be conducted on all individuals who are on the property without proper authorization. Individuals found to be loitering on or around the perimeter of the facility will be stopped and questioned to determine the circumstances of their presence. They may be denied entrance into the facility.

Master Control staff shall identify all persons seeking to gain access to the secure perimeter of the facility. Persons delivering goods or services shall identify themselves to Master Control staff prior to being allowed access to the delivery area.

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Perimeter

Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband or unauthorized persons. Vendors making deliveries into the secure area of the facility will do so under the supervision of corrections staff.

Keys to the secure perimeter shall be easily identifiable and issued only in emergency situations or with the authorization of the Jail Commander or Sheriff.

Weapons lockers are provided outside all secure perimeter entrances. All weapons, including firearms, magazines, OC spray, baton, electronic control device, kinetic energy weapons (e.g., beanbag shotgun), and edged weapons must be secured in a locker prior to an individual being allowed to enter the facility. No weapons may be stored in a vehicle.

Any sallyport, including Court Staging or Jail Records, and the secure garage are to be used for the transfer of inmates.

Operation of the sallyport doors will be done in such a manner as to effectively control movement into and out of the secure perimeter of this facility. Only one set of doors should be open at a time. Master Control staff are responsible for ensuring all perimeter surveillance equipment is in good working order and shall immediately report malfunctions or failures to the on-duty supervisor.

Outer perimeter security may be accomplished by using fencing or another type of barrier. These barriers should be designed to route vehicular and pedestrian traffic away from non-public areas. Outer perimeter lighting should be designed to illuminate all areas of the exterior to allow visual inspection by video monitor or perimeter patrols.

Employee Speech, Expression and Social Networking

222.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Agency.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

222.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

222.2 POLICY

Public employees occupy a trusted position in the community, and thus their statements have the potential to contravene the policies and performance of this agency. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Milwaukee County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

222.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Milwaukee County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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Employee Speech, Expression and Social Networking

- Disclosing a photograph and name or address of a correctional officer who is working undercover.
- Disclosing the address of a fellow correctional officer.
- Otherwise disclosing where another correctional officer can be located off-duty.

222.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the agency's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy association, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Agency or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Agency and tends to compromise or damage the mission, function, reputation or professionalism of the Agency or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the jail. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics or Jail Officer Code of Ethics as adopted by the Milwaukee County Sheriff's Office.
- (f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the jail for financial or personal gain, or any disclosure of such materials without the expressed authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Agency on any

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Employee Speech, Expression and Social Networking

personal or social networking or other website or web page without the express authorization of the Sheriff.

- (h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or agency-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including reactions such as likes, and content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

222.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Milwaukee County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Milwaukee County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this agency, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Agency.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

Employee Speech, Expression and Social Networking

222.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Instagram, Snapchat) that is accessed, transmitted, received or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

222.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Agency.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

222.7 TRAINING

Subject to available resources, the Agency should provide training regarding employee speech and the use of social networking to all members of the agency.

Oral Care

725.1 PURPOSE AND SCOPE

The intent of this policy is to ensure that inmates have access to dental care and treatment for serious dental needs. While the focus of this policy is primarily on urgent and emergent dental care, as with medical or mental health care, dental care is available based upon patient need.

725.2 POLICY

Oral care for inmates shall be provided under the direction of a licensed dentist. Dental care should be timely and include immediate access for urgent or painful conditions. Protocols will be established regarding priorities for care when, in the dentist's judgment, the inmate's health would otherwise be adversely affected (Wis. Admin. Code DOC § 350.15(5)).

725.2.1 DEFINITIONS

Definitions related to this policy include:

Infection control practices - Are defined by the American Dental Association (ADA) and the Centers for Disease Control and Prevention (CDC) as including sterilizing instruments, disinfecting equipment and properly disposing of hazardous waste.

Oral care - Includes instruction in oral hygiene, examinations and treatment of dental problems. Instruction in oral hygiene minimally includes information on plaque control and the proper brushing of teeth.

Oral examination - Includes taking or reviewing the patient's oral history, an extra-oral head and neck examination, charting of teeth and examination of the hard and soft tissue of the oral cavity with a mouth mirror, explorer and adequate illumination.

Oral screening - Includes visual observation of the teeth and gums, and notation of any obvious or gross abnormalities requiring immediate referral to a dentist.

Oral treatment - Includes the full range of services that in the supervising dentist's judgment are necessary for proper mastication and for maintaining the inmate's health status.

725.3 ACCESS TO DENTAL SERVICES

Emergency and medically required dental care is provided to each inmate upon request. Dental services are not limited to extractions. It is the goal of dental services to alleviate pain and suffering, ensure that inmates do not lose teeth merely as a consequence of incarceration and to provide appropriate dental service whenever medically required to maintain nutrition (Wis. Admin. Code DOC § 350.14(1)).

Access to dental services should be as follows:

- (a) All inmates wishing to see the dentist for a non-emergency issue shall complete a sick call form. Requests should be triaged according to the nature and severity of the problem and should be seen by a dentist according to assigned priority. Inmates

Oral Care

requesting dental services on weekends or after hours will initially be evaluated by a qualified health care professional and referred appropriately.

- (b) If an inmate suffers obvious trauma or other dental emergency, the qualified health care professional may arrange for immediate access to a dentist or may transfer the inmate to an emergency room for treatment.
- (c) Records documenting all dental treatment should be maintained in the inmate's medical record file and retained in accordance with established records retention schedules.
- (d) Medications prescribed by a dentist should be administered in accordance with pharmacy procedures and documented in the inmate's medical record.
- (e) Necessary dental services identified by a dentist that are not available on-site should be provided by referral to community resources as deemed necessary by the facility dentist.

725.4 DENTAL CARE OPTIONS

Inmates should be offered an oral screening by a qualified health care professional or a dentist within 14 days of incarceration. This oral screening should include an evaluation of the current dental status and instruction on oral hygiene and preventive oral education.

Inmates should be offered a dental examination, performed by a dentist, within 12 months of incarceration.

Load-Bearing Outer Vest Carrier

228.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members with the requirements for the approval, proper use, and wearing of a load-bearing outer vest carrier. Employees should also refer to the following policies:

- Agency-Owned and Personal Property
- Body Armor
- Uniform Regulations
- Firearms

228.2 POLICY

The policy of the Milwaukee County Sheriff's Office is to allow uniformed officers the option of purchasing a load-bearing outer vest carrier. The advantage to the uniformed officers is the ability to move essential equipment off of his/her Sam Browne belt (which places weight and stress on the hips and lower back) and the ability to carry additional equipment on the load-bearing outer vest carrier which currently may not fit on the Sam Browne belt.

228.3 GENERAL CONSIDERATIONS

Uniformed officers must recognize that moving their equipment off of their Sam Browne belts may slow their reaction time when retrieving their equipment. Three- to five-thousand repetitions will be required before locating their equipment becomes automatic.

Load-bearing outer vest carriers may make zipping foul- or cold-weather gear impossible. If a jacket is able to be zipped over a load-bearing outer vest carrier, all of the equipment on the carrier becomes inaccessible to the uniformed officer.

Movement, particularly into and out of a squad car, may be hampered or slowed by the load-bearing outer vest carrier.

228.4 APPROVAL

Authorization to wear a load-bearing outer vest carrier is at the discretion of the Training Academy Director or the authorized designee. A uniformed officer wishing approval to wear a load-bearing outer vest carrier must report to the Training Academy and present his/her equipment mounting configuration and completed authorization form. A uniformed officer must demonstrate both equipment retrieval and retention while it is mounted on the load-bearing outer vest carrier.

228.5 PROHIBITIONS

No uniformed officer may carry his/her duty firearm on a load-bearing outer vest carrier. Knives or edged weapons must be concealed. Equipment mounted on the load-bearing outer vest carrier

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Load-Bearing Outer Vest Carrier

must not interfere with the drawing or holstering of the duty firearm. Back-up firearms must be concealed and carried in a manner which is in compliance with the Firearms Policy.

Unmanned Aerial System (UAS) Operations

229.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

229.1.1 DEFINITIONS

Definitions related to this policy include:

FAA (Federal Aviation Administration) – The government agency empowered by Congress to regulate the National Airspace System.

Unmanned aerial system (UAS) – A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) – An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

229.2 POLICY

Unmanned aerial systems may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

229.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55; Wis. Stat. § 942.10). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

229.4 UAS UNIT COMMANDER

The Sheriff will appoint a UAS Unit Commander who will be responsible for the management of the UAS program. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and agency-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS. UAS Unit members are required to take and pass the FAA Part 107 test prior to deployment of a UAS.
- Ensure that all UAS pilots obtain and maintain all certifications through the FAA.
- Review all UAS pilot flight hours recorded on flight logs.
- Review all reports generated from the use of a UAS.

229.5 UAS UNIT SUPERVISOR

The UAS Unit Supervisor's responsibilities include but are not limited to:

- Day-to-day supervision of UAS Unit-related functions.
- Scheduling of training.
- Inspection of flight logs.
- Maintaining training records.
- Providing operational reports to the UAS Unit Commander.
- Developing uniform Agency protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require verbal authorization of the UAS Unit Commander or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in accordance with current records retention protocols.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or the authorized designee.

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Unmanned Aerial System (UAS) Operations

229.6 UNIT ASSIGNMENT

The selection and assignment of deputies to the UAS Unit will be made by the Sheriff or the authorized designee.

229.7 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required agency and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55(2)):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

A UAS may be used for law enforcement purposes in the following circumstances but not where an individual has a reasonable expectation of privacy without first obtaining a warrant:

- Natural disaster assessment
- Crowd monitoring operations
- To assist in criminal investigations
- Community relations activities as approved by the Sheriff or the authorized designee
- Training exercises
- Any other events (e.g., mutual aid) deemed appropriate by the Sheriff or the authorized designee

229.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.

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- To conduct personal business of any type.

229.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

229.10 TRAINING

All agency members authorized to operate or access the UAS shall receive appropriate training.

Proficiency training is required every six months.

Chemical Agents

308.1 PURPOSE AND SCOPE

This policy establishes the required training for correctional officers to be authorized to carry and use chemical agents and identifies the appropriate medical treatment of individuals exposed to a chemical agent.

308.2 POLICY

The Agency authorizes the use of selected chemical agents. Chemical agents are weapons used to minimize the potential for injury to correctional officers, inmates and others. Chemical agents shall only be used in situations where such force reasonably appears justified and necessary.

308.3 CHEMICAL AGENT TRAINING

Only correctional officers trained and having shown adequate proficiency in the use of any chemical agent and the Use of Force Policy are authorized to carry the device.

- (a) All initial and proficiency training for chemical agents will be documented in the correctional officer's training file.
- (b) Correctional officers failing to demonstrate continuing proficiency with chemical agents or knowledge of the Use of Force Policy may lose their authorization to carry the chemical agent or may be removed from an assignment.
- (c) The Training Director shall be responsible for ensuring that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons who have been affected by the use of chemical agents. Training should include the initial treatment, (e.g., providing the proper solution to cleanse the affected area) and knowledge of when to summon medical personnel.

308.4 PROFICIENCY TESTING

The Training Director shall ensure that all training delivered to staff should also test proficiency in order to document that the employee understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

308.5 TRAINING RECORDS

It shall be the responsibility of the Training Director to ensure that the following is maintained on file for all training provided by the Agency:

- A course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training

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Chemical Agents

The Training Director shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules.

308.6 REVIEW, INSPECTION AND APPROVAL

Every chemical agent delivery device will be periodically inspected by the designated instructors for a particular device.

Emergency Power and Communications

403.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power.

403.2 POLICY

It is the policy of this agency to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

403.2.1 PREVENTIVE MAINTENANCE

It is the responsibility of the County Facilities Management to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.

The emergency power system should be inspected, tested and maintained as necessary. In the event that the system fails, the Jail Commander or the authorized designee should contact the designated maintenance authority, to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.

403.2.2 SAFETY AND SECURITY

Inoperable or malfunctioning safety and/or security equipment shall be immediately repaired or replaced. In the event that safety and/or security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the inmates housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

403.2.3 INSPECTION AND TESTING

County Facilities Management is responsible for scheduled testing of emergency power systems. The power system manufacturer should be contacted for the required testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer's recommendations or at least quarterly.

All emergency equipment and systems should be inspected by a qualified individual at least quarterly.

Power generators should be inspected and tested by a qualified individual at least quarterly.

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Emergency Power and Communications

All testing and inspections shall be documented and the results included in a report to the Jail Commander.

Management of Weapons and Control Devices

506.1 PURPOSE AND SCOPE

This policy will address the availability and control of weapons.

506.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that the presence and the use of weapons in the jail will be tightly controlled and supervised to reduce the potential for injury. Staff will only carry and use those weapons for which they have been trained in and are qualified to use (Wis. Admin. Code DOC § 350.18(9)).

506.3 FIREARMS

With the exception described below, armed personnel shall secure all firearms in gun lockers located at the entry points prior to entering the secure perimeter. Firearms shall not be stored inside the secure perimeter at any time. If it is necessary to load or unload a firearm, personnel shall use the clearing barrels located outside of the facility's secure perimeter to facilitate the safe loading and unloading of firearms.

Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, inmates, contractors, volunteers or the public.

Firearms shall only be allowed inside the secure perimeter with the approval of the Sheriff or authorized designee and under the direct supervision of a supervisor.

506.4 OTHER WEAPONS, TOOLS AND CHEMICAL AGENTS

Agency-approved weapons, tools and chemical agents, including, but not limited to, pepper projectiles, batons, electronic control devices, impact weapons, weapon-fired projectiles, noise/flash distraction devices, sting grenades and similar devices, may be possessed and used only by custody staff members who have received agency-authorized training and are qualified to use them.

Agency-approved weapons, tools and chemical agents shall only be allowed inside the secure perimeter with the approval of the Sheriff or the authorized designee.

506.5 STORAGE OF WEAPONS, CHEMICAL AGENTS AND CONTROL DEVICES

The armory shall be located in a secure and readily accessible repository outside of inmate housing and activity areas. It shall be secured at all times. Access to the armory shall be limited by the Jail Commander or the authorized designee. Only personnel who have received agency-approved training in the maintenance of the stored equipment and who have been designated by the Jail Commander are authorized to be inside the armory.

The following equipment shall be stored and secured in the armory:

- (a) All agency-approved weapons.

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Management of Weapons and Control Devices

- (b) All agency-approved control devices and associated supplies, with the exception of the electronic control devices.
- (c) All security equipment, such as helmets, face shields, stab or protective vests and handheld shields.
- (d) All agency-approved chemical agents.

Explosive materials will be stored in a safe approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and in compliance with 27 CFR 555.201 et seq.

506.5.1 WEAPONS LOCKER

There should be a secure weapons locker located outside of the secure perimeter of the jail.

506.5.2 INVENTORY

The Jail Commander should designate one or more properly trained staff to be responsible for maintaining all weapons, chemical agents and control devices in a safe and secure manner, and to inventory and report the condition and availability of the facility's weapons and control devices on a monthly basis.

To facilitate the inventory, all weapons, chemical agents and control devices shall be stored in assigned locations inside the armory. A log sheet shall be maintained within the armory at all times, detailing the exact location of each item. The removal of any weapon, chemical agents or control device shall be documented on the log sheet, showing who removed the item, the date and time of removal and the reason for removal. An additional log entry shall be made indicating the date and time of the item's return.

The Jail Commander shall be immediately notified in the event that any weapon or control device is determined to be missing. An immediate and thorough search of the facility shall take place in order to locate the item.

506.5.3 REVIEW, INSPECTION AND APPROVAL

Every control device and chemical agent will be periodically inspected for serviceability and expiration dates by the instructor designated to train on the use of a particular control device or chemical agent. The designated instructor is responsible to ensure replacement of outdated or unserviceable items.

Electronic Control Devices

508.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the electronic control device (ECD).

508.2 POLICY

The TASER device is intended to control a resistive or potentially violent inmate, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device should result in fewer serious injuries to custody staff and inmates.

Staff members who have completed agency-approved training may be issued an TASER device for use during the current assignment. Staff members who have been issued an ECD shall only use the device consistent with this policy and the Use of Force Policy.

Staff shall only use the TASER device and cartridges that have been issued by the Agency. The device and cartridge(s) may be carried as part of a uniformed correctional officer's equipment.

- (a) The ECD shall be maintained in a secure storage location (see the [Management of Weapons and Control Devices Policy](#)).
- (b) Each ECD shall be clearly and uniquely numbered.
- (c) All ECDs shall be accounted for during each shift.

508.3 VERBAL AND VISUAL WARNINGS

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

- (a) Provide the inmate with a reasonable opportunity to voluntarily comply.
- (b) Provide other correctional officers and inmates with a warning that an ECD may be deployed.

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

508.4 USE OF THE ECD

508.4.1 APPLICATION OF THE ECD

Authorized personnel may use the TASER device when circumstances perceived by the correctional officer at the time indicate that such application is reasonably necessary to control an inmate in any of the following circumstances:

- (a) The inmate is physically resisting.
- (b) The inmate has threatened to physically resist and reasonably appears to have the potential to harm correctional officers, him/herself or others.

Electronic Control Devices

508.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Inmates who are known to be pregnant.
- (b) Elderly inmates.
- (c) Inmates with obviously low body mass.
- (d) Inmates who are handcuffed or otherwise restrained.
- (e) Inmates who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Inmates whose position or activity may result in collateral injury (e.g., falls from height, inmate on stairs).

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

The TASER device shall not be used to torture, psychologically torment, elicit statements or to punish any inmate.

508.4.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the correctional officer to limit the application of the TASER device probes to a precise target area, correctional officers should monitor the condition of the inmate if one or more probes strikes the head, neck, chest or groin until the inmate is released to the care of qualified medical personnel.

508.4.4 MULTIPLE APPLICATIONS OF THE ECD

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

Correctional officers should generally not intentionally apply more than one TASER device at a time against a single subject.

Electronic Control Devices

508.4.5 DOCUMENTATION

All TASER device discharges shall be documented in the records management system (RMS). Notification shall be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will also be documented in RMS.

The onboard TASER device memory will be downloaded through the data port by a qualified employee and saved with the related incident report. Photographs of probe sites should be taken by a correctional officer. The on-duty supervisor shall ensure that any video recordings of the incident are preserved. If there is a serious or unexpected injury or death, AFIDs should be collected and the expended cartridge along with both probes and wire should be submitted into evidence.

508.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified medical personnel should remove ECD probes from an inmate's body. Used ECD probes shall be considered a sharps biohazard, similar to a used hypodermic needle, and handled properly. Universal precautions should be taken accordingly.

All inmates who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically cleared by qualified medical personnel prior to continued processing or housing.

Any inmate exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be promptly examined by qualified medical personnel.

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

508.6 TRAINING

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

Searches

513.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the United States Constitution.

The introduction of contraband, intoxicants or weapons into the Milwaukee County Jail poses a serious risk to the safety and security of staff, inmates, volunteers, contractors and the public. Any item that is not available to all inmates may be used as currency by those who possess the item and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock, other electronic security devices or the physical plant itself seriously jeopardizes the safety and security of this facility. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of inmates and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an inmate/arrestee.

513.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for inmates to possess or anything authorized to possess but in an unauthorized manner or quantity.

Custodial search - Complete search from head to feet and after removal of all secondary outer clothing (e.g., coat, jacket, sweatshirt, personal property from the inmate's control). This includes removing shoes and socks, but does not include underwear.

Full-body X-ray scanner - A low-dose X-ray screening system that detects many types of contraband, including illegal substances, drugs, and weapons.

Non-sentenced inmate - An inmate who is in custody for any reason other than to serve a sentence after a conviction.

Pat-down search - The routine search used by correctional officers within this facility to check an individual for weapons or contraband. It involves patting down of outer clothing to locate any weapons or dangerous items that could pose a danger to the correctional officer, the inmate or other inmates.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the rectal cavity or the vagina.

Sentenced inmate - An inmate who is in custody for the purpose of serving a sentence after a conviction.

Strip search - A search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia of the person. This includes monitoring of a person showering or changing clothes where

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the person's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

513.2 POLICY

It is the policy of this agency to ensure the safety of staff, inmates and visitors by conducting effective and appropriate searches of inmates and areas within the facility in accordance with applicable laws (Wis. Admin. Code DOC § 350.18).

Searches shall not be used for intimidation, harassment, punishment or retaliation.

513.2.1 PHYSICALLY DISABLED PERSONS

A search of a person who requires an assistive device for mobility, such as a wheelchair, brace, crutch or artificial limb, shall be carefully conducted. If the search requires the removal of such a device or involves a person lacking sensation in some portion of his/her body, the search shall be conducted with extreme care, in cooperation with a person trained in handling those who are physically disabled (Wis. Stat. § 968.256).

513.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all inmates/arrestees by the arresting officer or deputy prior to entering the secure booking area of the facility. Additionally, pat-down searches shall occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

- (a) When inmates leave their housing units to participate in activities elsewhere in the facility (e.g., recreation, medical, program, visiting, court) and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When inmates come into contact with other inmates housed outside of their housing units, such as work details.
- (d) Any time the staff believes the inmates may have contraband on their persons.

Except in emergencies, male staff may not pat down female inmates and female staff may not pat down male inmates. Absent the availability of a same sex staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

513.4 CUSTODIAL SEARCHES

Following an inmate being accepted into the facility by medical and the pre-book officer, all inmates will be subjected to a custodial search.

- (a) Barring an emergency, custodial searches shall be performed by a staff member of the same sex as the person being searched.
 - 1. A custodial search of an inmate who identifies as transgender or intersex may state a preference for which gender staff performs a custodial search. Such a request should be honored when possible. If no request is made, a correctional officer of the same sex shall perform the search.

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- (b) Following a custodial search, an inmate will be subject to metal detection equipment.

513.5 FULL-BODY X-RAY SCANNER

The Milwaukee County Sheriff's Office shall operate a low-dose scanner as required by the State of Wisconsin and in compliance with the Department of Health and Family Services, Radiation Protection Section recommendations and Wis. Admin. Code DHS 157.

- (a) The Milwaukee County Sheriff's Office shall meet all manufacturer recommendations for maintenance on the low-dose body scanner.
- (b) Only correctional officers who have been trained in the use of the device will be authorized to operate the low-dose body scanner.
- (c) No inmates will be left unattended with the body scanner.
- (d) Pregnant correctional officers are not authorized to operate or be in the room when the low-dose body scanner is in use.
- (e) No inmates who are pregnant will be subject to scanning.
- (f) No inmates under the age of 18 will be subject to scanning, including juveniles waived into the adult judicial system.
- (g) No inmates with known pacemakers will be subject to scanning.
- (h) No members shall abuse or misuse the low-dose body scanner.
- (i) The low-dose body scanner may be used to scan any inmate at any time that a correctional officer believes it is necessary for the safety and security of the facility.

513.5.1 REFUSAL TO BE SCANNED

- (a) Inmates who are unable to be scanned because they are uncooperative and/or intoxicated will be isolated until they are able to complete the scan.
- (b) Attempts will be made to scan the inmate once he/she is cooperative. If attempts are unsuccessful, the on-duty supervisor shall determine the course of action.
- (c) An incident report shall be completed for any inmate refusing to be scanned.

513.5.2 POSITIVE SCAN/DETECTION OF CONTRABAND

- (a) The on-duty supervisor should be notified of a positive scan.
- (b) If the inmate being scanned is a new arrest and it is believed that he/she is concealing contraband, the inmate will be directed to remove the contraband.
 - 1. If the contraband is removed, the inmate will be subjected to another scan and the arresting agency will secure and take custody of the contraband.
 - 2. If the inmate refuses to remove the contraband, the arresting officer is required to take the inmate to the hospital for medical clearance in order to be accepted into the Milwaukee County Jail. If the arresting officer is unable to take the inmate to the hospital, the inmate may be subjected to a strip search.

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- (c) If the inmate being scanned is not a new arrest and is confined to the Milwaukee County Jail and it is believed that he/she is concealing contraband, the inmate will be directed to remove the contraband. If the contraband is removed, the inmate is subject to another scan. If the inmate refuses or cannot remove the contraband, the on-duty supervisor shall determine the appropriate course of action, which may include a strip search or transportation to a hospital.

513.6 STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES

Correctional officers will generally consider the reason for the search, the scope, intrusion, manner and location of the search, and will utilize the least invasive search method to meet the need for the search.

513.6.1 STRIP SEARCHES

Strip searches prior to placement in a housing unit shall be conducted as follows (Wis. Stat. § 968.255):

- (a) No person held prior to placement in a housing unit shall be subjected to a strip search unless:
 - 1. The person is an adult arrested for any offense, or is a juvenile taken into custody under Wis. Stat. § 938.19 and ordered by a court to the custody of this facility and there is either:
 - (a) Reasonable suspicion that the person is concealing a weapon or contraband if the person was taken into custody for any felony or any of the following misdemeanor offenses identified in Wis. Stat. § 968.255:
 - 1. Wis. Stat. § 167.30(1) - Use of firearms, etc., near a park
 - 2. Wis. Stat. § 940.19 - Battery, substantial battery, aggravated battery
 - 3. Wis. Stat. § 941.20(1) - Endangering the safety of others by use of a dangerous weapon
 - 4. Wis. Stat. § 941.23 - Carrying a concealed weapon
 - 5. Wis. Stat. § 941.231 - Carrying a concealed knife
 - 6. Wis. Stat. § 941.237 - Carrying a handgun where alcohol may be sold and consumed
 - 7. Wis. Stat. § 948.60 - Possession of a dangerous weapon by a person under the age of 18
 - 8. Wis. Stat. § 948.61 - Dangerous weapons other than firearms on school premises, or
 - (b) Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person was taken into custody, if the person was taken into custody for any other violation of state law punishable by forfeiture, any local ordinance or a misdemeanor offense.

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- (b) Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:
 - 1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
 - 2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion or probable cause absent other facts.
 - 3. Custody history (past possession of contraband while in custody, assaults on staff, escape attempts, etc.).
 - 4. The person's actions or demeanor.
 - 5. Criminal history (level of experience in a custody setting, etc.).
 - 6. Detection of potential contraband on low-dose body scanner.
 - 7. When the inmate has entered an environment where contraband or weapons may be accessed (e.g., return from court, medical appointments, kitchen worker, contact visit).
- (c) No strip search of an inmate shall be conducted prior to admittance to a housing unit without prior written authorization from the Shift Commander (e.g., email). Verbal authorization from a supervisor is sufficient if there is probable cause to believe that the person is concealing a weapon.
- (d) The staff member conducting the strip search shall:
 - 1. Document the facts that led to the decision to perform a strip search of the inmate on the strip search documentation form.
 - 2. Document the reasons less intrusive methods of searching were not used or were insufficient.
 - 3. Document the supervisor's approval.
 - 4. Document the time, date and location of the search.
 - 5. Document the names, sex and roles of any staff present.
 - 6. Itemize in writing all contraband and weapons discovered by the search.
 - 7. Process all contraband and weapons in accordance with the agency's current evidence procedures.
 - 8. If appropriate, complete a crime report and/or disciplinary report.
- (e) The documentation shall be placed in the inmate's Arrest Detention Report. A copy of the authorization shall be provided to the inmate or other authorized representative.
- (f) Inmates returning from court with release orders shall not be subject to strip searches unless reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband.

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513.6.2 STRIP SEARCH PROCEDURES

All strip searches shall be conducted in a professional manner under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating or assisting in the search. The search will not be audio- or video-recorded (Wis. Stat. § 968.255).

Unless conducted by a qualified health care professional or in case of an emergency, a strip search shall be conducted by staff members of the same sex as the person being searched (Wis. Stat. § 968.255). Cross-gender strip searches shall be documented (28 CFR 115.15).

Whenever possible, a second staff member of the same sex should assist with the search for security purposes and to witness the discovery of evidence.

The staff member conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched unless in accordance with Wis. Stat. § 968.255(1)(b). These areas may be touched through the clothing during a custodial or pat-down search.

- (a) The searching staff member will instruct the inmate to:
 - 1. Remove his/her clothing.
 - 2. Raise his/her arms above the head and turn 360 degrees.
 - 3. Bend forward and run his/her hands through his/her hair.
 - 4. Turn his/her head first to the left and then to the right so the searching correctional officer can inspect the inmate's ear orifices.
 - 5. Open his/her mouth and run a finger over the upper and lower gum areas, then raise the tongue so the correctional officer can inspect the interior of the inmate's mouth. Remove dentures if applicable.
 - 6. Turn around and raise one foot first, then the other so the correctional officer can check the bottom of each foot.
 - 7. For a visual cavity search, turn around, bend forward and spread the buttocks if necessary to view the anus.
- (b) At the completion of the search, the inmate should be instructed to dress.

513.6.3 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without written approval of the Jail Commander or the authorized designee and only with the issuance of a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports. The report will be made available, upon request, to inmates or authorized representatives (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, physician assistant or registered nurse may conduct a physical body cavity search (Wis. Stat. § 968.255). Except in exigent circumstances, only a physician, physician assistant or registered nurse who is not responsible for providing ongoing care to the inmate may conduct the search.

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- (c) Except for the medical professional conducting the search, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the inmate.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Jail Commander's written approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any staff present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Completed documentation should be placed in the Arrest Detention Report packet and stored in the appropriate records management system.
- (g) All contraband and weapons should be processed in accordance with the agency's current evidence procedures.
- (h) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

513.7 TRANSGENDER OR INTERSEX SEARCHES

Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

513.8 CONTRABAND SEARCHES

The staff shall always be alert to the possible presence of contraband and shall take immediate action to seize the contraband when practicable. There are several types of searches that contribute to contraband control and to maintaining a safe and secure environment.

513.9 HOUSING UNIT SEARCHES

Housing unit searches (i.e. Shakedowns) shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be

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scheduled in a manner that does not create a pattern where the inmates can predict such searches. During a housing unit search:

- (a) All inmates shall vacate their living areas and be searched by staff.
- (b) Inmates may be escorted to a separate holding area, such as the gym.
- (c) Staff shall search the living areas of the inmates, including bedding, personal storage areas, bunks and other areas with inmate access.
- (d) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (e) The staff shall attempt to identify the inmate who possessed the contraband and file appropriate inmate discipline and/or crime reports.
- (f) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition (Wis. Admin. Code DOC § 350.18(5)).

513.10 PHYSICAL PLANT SEARCHES

The following areas of this facility shall be periodically searched for contraband (Wis. Admin. Code DOC § 350.18(5)):

- (a) The gym shall be searched for contraband prior to and after each inmate group occupies the gym.
- (b) Holding cells shall be searched prior to and after each inmate occupies the cell.
- (c) Program areas, such as classrooms and multipurpose rooms shall be searched after each use by an inmate or inmate group.
- (d) Laundry areas shall be searched before and after each inmate group occupies the area.
- (e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives and food items.
- (f) Any common inmate or visitor restrooms.
- (g) Inmate visiting and public areas shall be frequently inspected for contraband.
- (h) The facility perimeter shall be searched at least once each shift for contraband.

513.10.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum (see the Canines Policy).

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513.11 CRIMINAL EVIDENCE SEARCHES

The Jail Commander or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime.

Any evidence collected in connection with an alleged crime shall be reported, documented and stored to protect it from contamination, loss or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

513.12 TRAINING

The Training Director shall provide training for staff in how to conduct pat-downs, custodial searches and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs (Wis. Stat. § 968.255). This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates (28 CFR 115.15).

Transportation of Inmates Outside the Secure Facility

517.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside this facility and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

517.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

This agency shall transfer all inmates from the jail to the place of imprisonment pursuant to the sentence of the court as soon as practicable after the sentence, in accordance with all laws relating to the transfer of inmates and costs related to transfers to facilities and jurisdictions.

517.3 PROCEDURES

Only staff members who have completed agency-approved training on inmate transportation should be assigned inmate transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an inmate outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the inmate being transported (e.g., medical/dental records, commitment documents).
- (b) Ensuring that all inmates are thoroughly searched and appropriate restraints are properly applied in compliance with the Use of Restraints Policy.
- (c) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (d) Thoroughly searching the transporting vehicle for contraband before any inmate is placed inside, and again after removing the inmate from the transporting vehicle.

517.3.1 TRANSPORTATION LOGS

Inmate transportation logs shall be developed by the Jail Commander or the authorized designee and used to electronically log all inmate transportation. The electronic logs shall include:

- Name and identification number of the inmate.
- Date and start/stop time of the transport.
- Location where the inmate was transported.
- Name and squad number of the transporting correctional officer.
- Circumstances of any unusual events associated with the transportation.

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The electronic logs shall be retained by the facility in accordance with established records retention schedules.

517.4 TRAINING

The Training Director or the authorized designee shall ensure that all employees charged with inmate transportation duties receive training appropriate for the assignment.

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

Foreign Nationals and Diplomats

604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

604.2 POLICY

The Milwaukee County Jail will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Agency will investigate all claims of immunity and accept custody of the person when appropriate.

The Milwaukee County Jail will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

604.3 DIPLOMATIC AND CONSULAR IMMUNITY

604.3.1 AVAILABILITY OF RESOURCES

The Jail Captain or Lieutenant will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for agency members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Milwaukee County Jail the receiving correctional officer shall first inform the Jail Captain or Lieutenant and then generally proceed as follows:

- (a) Do not accept custody of the person from the transporting officer. The person should not be brought inside the Milwaukee County Jail unless doing so would facilitate the investigation of his/her claim of immunity.
- (b) Do not handcuff the person, or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.
- (c) If the person has already been accepted into custody, inform the person that he/she will be detained until his/her identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.
- (d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

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It will be the responsibility of the Jail Captain or Lieutenant to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the Milwaukee County Sheriff's Office). The Jail Captain or Lieutenant may assist another agency in determining the person's immunity status.

The Jail Captain or Lieutenant is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

604.3.3 REPORTING

If the person's immunity status has been verified, the Jail Captain or Lieutenant should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C. or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

604.4 CONSULAR NOTIFICATIONS

604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS

The Jail Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record.

Inmates detained solely for civil immigration purposes shall not be accepted by this agency.

604.4.2 CONSULAR NOTIFICATION ON BOOKING

Agency members assigned to book inmates shall:

- (a) Inform the foreign national, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
- (c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that his/her consular officers be notified, then:
 1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
 2. Forward any communication from the foreign national to his/her consular officers without delay.
- (d) If the foreign national's country is on the list for mandatory notification, then:
 1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification

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form. If no fax confirmation is received, a telephonic notification should be made and documented.

2. Tell the foreign national that this notification has been made and inform him/her without delay that he/she may communicate with his/her consular officers.
3. Forward any communication from the foreign national to his/her consular officers without delay.
4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Jail Captain or Lieutenant.

Inmate Voting

610.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible inmates the opportunity to vote during elections, pursuant to election statutes.

610.2 POLICY

Because inmates are unable to access public voting polls, the Jail Commander or the authorized designee shall develop written procedures whereby the County Clerk allows qualified inmates to vote in local, state and federal elections, pursuant to election codes.

Inmates should be advised of voting methods during the inmate orientation.

610.3 PROCEDURES

Prior to each election, the Jail Commander will designate a correctional officer to be a liaison between the Agency and the local Registrar of Voters. The designated correctional officer will be responsible for assisting inmates who have requested to vote.

The designated correctional officer should ensure voting posters are hung in all housing units with dates and eligibility requirements prior to any local election.

To participate in an election, the following shall be completed:

- (a) An inmate shall submit an inmate request slip to the Law Library asking to vote.
- (b) An inmate programming officer shall verify the requesting inmate's voter registration using the My Vote Wisconsin website (<https://myvote.wi.gov>).
- (c) An inmate programming officer shall meet with the requesting inmate to determine if he/she was arrested with a valid Wisconsin driver's license or other government identification.
- (d) If so, the inmate shall complete a permission slip to authorize the inmate programming officer to open his/her sealed bag to make a copy of the identification.
- (e) The property clerk shall inventory all items in the sealed bag.
- (f) The inmate programming officer shall register the inmate to vote.
 - 1. The inmate shall complete the voter registration form to be used for registration.
- (g) The inmate programming officer shall deliver a copy of the inmate's identification and his/her absentee ballot request form to the inmate.
- (h) The inmate shall complete the application for an absentee ballot and send the form and copy of his/her identification to the Election Commission.
- (i) The Election Commission will send an absentee ballot to the requesting inmate, which he/she should complete and mail back to the Election Commission.

Mental Health Services

712.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all inmates have access to mental health services and that inmates identified as needing these services are referred appropriately.

712.1.1 DEFINITION

Definitions related to this policy include:

Mental health services - A variety of psycho-social and pharmacological therapies, either individual or group, including biological, psychological and social therapies to alleviate symptoms, attain appropriate functioning and prevent relapse.

712.2 POLICY

It is the policy of this agency that a range of mental health services shall be available for any inmate who requires them (Wis. Admin. Code DOC § 350.14).

712.2.1 REPORTING TO THE DEPARTMENT OF CORRECTIONS

The Jail Commander shall provide to the Wisconsin Department of Corrections, by January 30th each year, the following information from the previous calendar year (Wis. Stat. § 302.383):

- (a) The number of inmates from the facility who were transferred to a state treatment facility and the number who were transferred to a county treatment facility under each of the following:
 - 1. A commitment under Wis. Stat. § 51.20(1)(a)
 - 2. A voluntary transfer under Wis. Stat. § 51.37(5)
 - 3. An emergency transfer under Wis. Stat. § 51.37(5)
- (b) The length of stay in the state or county treatment facility
- (c) The description of the mental health services that are available to inmates on either a voluntary or involuntary basis

712.3 BASIC MENTAL HEALTH SERVICES

Inmates may be referred to a qualified health care professional through a variety of methods, which include the medical screening process, the mental health appraisal process and self-referral or staff referral. Qualified health care professionals should respond to all referrals in a timely manner and initiate the appropriate treatment services.

- (a) If the inmate has received previous mental health treatment, the inmate should be asked to complete a release of information form so his/her treatment records can be obtained.
- (b) Inmates who have been determined to be in need of ongoing mental health services after their release from this facility should be provided with information about community mental health treatment resources. Arrangements for more comprehensive mental health care may be made, if appropriate.

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- (c) Inmates who are identified as being developmentally disabled should be evaluated for special housing needs. The qualified health care professional should work in cooperation with classification personnel to establish the best reasonably available housing option.
- (d) Inmates who are suspected or known to be developmentally disabled should receive a mental health appraisal by the qualified health care professional as soon as reasonably practicable but no later than 24 hours after booking. Inmates who are developmentally disabled should be referred, where appropriate and available, for placement in non-correctional facilities or in units specifically designated for housing the developmentally disabled.
- (e) Inmates enrolled in mental health treatment, including psychiatric medication management, should be provided information regarding the risks and benefits to treatment. Informed consent documents should be signed by the inmate to establish his/her consent to treatment. The signed forms should be placed in the inmate's health record and retained in accordance with established records retention schedules.
- (f) A treatment plan should be established for all inmates enrolled in mental health services.
- (g) The qualified health care professional should utilize a site-specific suicide prevention program to ensure the safety of inmates who present with a risk of self-harm.
 - 1. Qualified health care professionals should be assigned to daily rounds in the segregation unit to determine the mental health status of inmates housed there.
 - 2. Segregated inmates may be referred by the jail staff to qualified health care professionals for follow-up if concerns arise regarding their ability to function in disciplinary detention.
- (h) If the qualified health care professional has concerns about the level of mental health services that are required to manage an inmate housed in the facility, the health authority shall be notified.

Inmates determined to be in need of substance abuse treatment services should be informed of the facility programs available and shall be provided information about community substance abuse treatment resources.

Mental Health Screening and Evaluation

713.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process by which all inmates receive an initial mental health screening by qualified medical professionals. The initial mental health screening takes place at the time of booking, and is for the safety of the inmate and the general population. It helps the custody staff to make appropriate classification and housing decisions and to ensure that the treatment and intervention needs of the inmate are met.

713.2 POLICY

It is the policy of this agency that all individuals booked into the facility shall receive an initial mental health screening by a qualified medical professional. A more comprehensive medical appraisal shall be conducted within the first 14 days of incarceration to confirm the initial findings and to ensure that, if needed, an appropriate treatment plan that meets the individual needs of the inmate is in place (Wis. Admin. Code DOC § 350.13).

713.3 MENTAL HEALTH SCREENING

The initial screening is designed to identify whether mental health conditions exist that require immediate or ongoing intervention. The screening shall be performed prior to the inmate being placed in general housing and should include:

- (a) Inquiry into whether the inmate is or has:
 - 1. Thoughts or history of suicidal behavior.
 - 2. Been prescribed or is taking any psychotropic medication or antidepressants.
 - 3. Been treated for mental health issues.
 - 4. A history of psychiatric treatment.
 - 5. A history of substance abuse or been treated for substance abuse.
- (b) Any observations of:
 - 1. Appearance and behavior.
 - 2. Abuse, injury or trauma.
 - 3. Symptoms of aggression, depression or psychosis.
- (c) A determination of whether the inmate is cleared for or referred to:
 - 1. General housing.
 - 2. General housing with mental health referral.
 - 3. Mental health emergency treatment.

Mental Health Screening and Evaluation

This information shall be recorded on the receiving screening form. It will become part of the inmate's health record and be retained in accordance with established records retention schedules.

713.4 MENTAL HEALTH APPRAISAL

All new inmates shall receive a mental health appraisal by a qualified mental health professional within 14 days, unless documentation exists that an appraisal has been completed within the previous 90 days. Mental health appraisals should include, but not necessarily be limited to the following assessments:

- Mental health status
- Suicide potential
- Violence potential
- Previous psychiatric treatment
- Any history of treatment with psychotropic medication or antidepressants
- Substance abuse or treatment for substance abuse
- Educational history
- Sexual abuse victimization (28 CFR 115.81)
- Predatory behavior or perpetrated sexual abuse (28 CFR 115.81)

Following the appraisal, the qualified mental health professional shall develop a treatment plan for the inmate and make recommendations regarding the inmate's housing, job assignment and program participation.

713.5 MENTAL HEALTH REFERRALS

Qualified mental health staff or a qualified health care professional should administer a complete and thorough evaluation of inmates referred for treatment as soon as practicable but no later than 14 days from the referral. The evaluation should include:

- Review of the inmate's screening and appraisal information.
- Observations of the inmate's behavior.
- Information gathered from interviews and testing to determine the inmate's mental health condition, intellect, personality, problems and ability to deal with a custody environment.
- Collection of the inmate's mental health history.

Following the evaluation, a plan of treatment and maintenance, which may include a complete psychological evaluation, should be developed to meet the inmate's needs.

Special Needs Medical Treatment

714.1 PURPOSE AND SCOPE

This purpose of this policy is the proper treatment and management of inmates with chronic diseases and special needs. This is accomplished by utilizing nationally recognized, generally accepted clinical guidelines and establishing communication between qualified health care professionals and custodial personnel.

714.1.1 DEFINITIONS

Definitions related to this policy include:

Chronic disease - An illness or condition that affects an individual's well-being for an extended interval, usually at least six months, and generally is not curable but can be managed for optimum functioning within any limitations the condition creates in the individual.

Chronic disease program - The inmate has regular clinic visits during which a qualified health care professional monitors the medical condition and adjusts treatment as necessary. The program also includes patient education for symptom management.

714.2 POLICY

It is the policy of this agency that all individuals identified as having chronic diseases or special needs are enrolled in a chronic disease program to decrease the frequency and severity of the symptoms, prevent disease progression and complication, and foster improved function.

When a qualified health care professional recognizes that an inmate requires accommodation due to a special need, correctional personnel should be notified in writing. Consultation between the qualified health care professional and custodial personnel should occur regarding the condition and capabilities of inmates with known special needs prior to a housing, work or program assignment, transfer to another facility or the imposition of disciplinary action.

Qualified health care professionals shall furnish special needs information regarding inmates to custodial personnel in order for them to accurately classify and house inmates in the facility. It is the responsibility of the Jail Commander or the authorized designee to ensure that inmates with special needs are receiving the proper care and that their needs are effectively communicated to custodial staff for appropriate accommodation (Wis. Admin. Code DOC § 350.15(8)).

714.3 CLINICAL PRACTICE GUIDELINES

The Responsible Physician or the authorized designee is responsible for establishing and annually reviewing clinical protocols to ensure consistency with the National Clinical Practice Guidelines.

The clinical protocols for the management of chronic disease and special needs include, but are not limited to:

- Asthma
- Communicable diseases

Special Needs Medical Treatment

- Developmentally disabled inmates
- Diabetes
- Dialysis
- Frail or elderly inmates
- High blood cholesterol
- HIV
- Hypertension
- Mental illness
- Mobility impairments
- Pregnancy
- Seizure disorder
- Suicidal ideation
- Terminally ill
- Tuberculosis

714.4 DOCUMENTATION

Documentation in an inmate's medical record should include information regarding the chronic disease protocols deployed, who is responsible for the various protocols, the extent to which the chronic disease protocols are being followed and should include, but not be limited to:

- The frequency of follow-up for medical evaluation.
- How the treatment plan was adjusted when clinically indicated.
- The type and frequency of diagnostic testing and prescribed therapeutic regimens.
- The prescribed instructions for diet, exercise, adaptation to the correctional environment and medication.
- Clinical justification of any deviation from the established protocol.

A master list of all chronic disease and special needs patients should be maintained by the Responsible Physician or the authorized designee.

714.5 CHRONIC CARE PROGRAM

- (a) Newly incarcerated inmates shall receive a medical screening. This screening includes the documentation of any acute or chronic health problems or injuries, special needs, and any medications or treatments the inmate is currently receiving.
 - 1. If the inmate has been incarcerated previously, his/her health records should be reviewed.

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2. All special needs information should be sent to the classification unit, the Jail Captain or Lieutenant and the housing officer to ensure the inmate is properly housed.
 3. Current medications being taken by the inmate should be verified and continued as deemed appropriate by the Responsible Physician.
 4. A health assessment shall be completed within 14 days of incarceration.
 5. The status of a special needs inmate should be evaluated, at minimum, every 90 days to determine the need for the continued designation.
- (b) Decisions involving a special needs inmate's assignment regarding housing, programs, discipline or transfers should include consultation between the Jail Commander or the authorized designee and the Responsible Physician or the authorized designee.
1. If exigent circumstances prevent a consultation, the decision should be reviewed as soon as practicable but no later than 72 hours post action.
- (c) Individual treatment plans are used to guide treatment for episodes of illness. The format for treatment planning may vary, but should include, at a minimum:
1. The frequency of follow-up for medical evaluation and adjustment of treatment modality.
 2. The type and frequency of diagnostic testing and therapeutic regimens.
 3. When appropriate, instructions about diet, exercise, adaptation to the correctional environment and medication.
- (d) Reasonable effort should be made to obtain health information and records from previous health care services, with the consent of the inmate, when the inmate has a medical problem that was being treated prior to incarceration.
- (e) Upon transfer to another correctional facility, a summary of the inmate's current condition, medications and treatment plan will be forwarded to the receiving facility in a sealed envelope to maintain inmate privacy.
- (f) Requests for health information from community health care services must be submitted with the inmate's written consent. If the inmate does not consent, the community health care service may be advised that the person is an inmate and the health information may not be provided without the inmate's written consent.
- (g) When inmates are sent out of this facility for emergency or specialty treatment, written information regarding the inmate's current medical status and treatment should accompany the inmate. Upon return to the facility, treatment recommendations from outside health care services should be reviewed by the Responsible Physician or the authorized designee for any changes in the custodial environment or in-house treatment plan.
- (h) Inmates identified as developmentally disabled shall be considered for discharge planning services.
- (i) With the inmate's written consent, the health services staff should:

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1. Share necessary information with outside health care services.
 2. Arrange for follow-up appointments.
 3. Arrange for transfer of health summaries and relevant parts of the health record to health care services or others assisting in planning or providing for services upon release.
- (j) Contacts with community providers should be documented via an administrative note in the patient's health record.
- (k) Patients with serious mental health issues, including those receiving psychotropic medication, will be informed about community options for continuing treatment and provided with follow-up appointments when possible.
- (l) Medications should be provided as appropriate.
- (m) The Responsible Physician is responsible for ensuring that local site-specific procedures facilitate discharge planning.

Licensure, Certification and Registration Requirements

718.1 PURPOSE AND SCOPE

The purpose of this policy is to recognize that inmates are entitled to health care services that are provided by qualified health care professionals working within the scope of their respective licensure, certification, registration and training. This policy also establishes a credentials verification process.

718.2 POLICY

It is the policy of this agency that all qualified health care professionals who provide health care services to inmates possess the required licensure, certification or registration appropriate to their field of expertise.

The current credentials and job descriptions for all qualified health care professionals will be on file at the facility and retained in accordance with established records retention schedules.

Only qualified health care professionals may provide health care to inmates unless care by non-professionals has been authorized in accordance with laws governing health service delivery (Wis. Admin. Code DOC § 350.14(3)).

718.2.1 NURSING CARE

Nursing care shall be provided in accordance with the practice established by the Wisconsin Board of Nursing (Wis. Admin. Code Ch. N 6; Wis. Admin. Code DOC § 350.14(2)).

718.3 CREDENTIALING AND FILE MAINTENANCE

A completed file of current licenses, certifications, registration, reference checks and applications shall be maintained by the Agency Department of Human Resources and by the Responsible Physician or the authorized designee at this facility (Wis. Admin. Code DOC § 350.14(3)).

- (a) The Responsible Physician or the authorized designee should obtain confirmation of current licensure, certification and registration prior to making any offer of employment.
- (b) Individuals should be required to pass a job related pre-employment background investigation.

718.4 STUDENTS AND/OR INTERNS

If the health care services provided to an inmate are performed by an intern, resident or student who is authorized to provide specific health care services as part of a formal medical training program, the individual will work under the control and supervision of a qualified health care professional. An intern, student or resident shall only be assigned tasks for which they have been trained.

There shall be a written agreement between the facility and the educational or training program that covers the services to be provided by an intern, student, or resident.

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Licensure, Certification and Registration Requirements

Any student, intern or resident working in the facility shall participate in a facility orientation prior to performing any health care services.

All interns, residents or students shall be required to agree in writing to abide by all facility policies, including those relating to hostages, facility security and the confidentiality of information.

All training provided, written agreements and/or contracts shall be maintained in the intern, resident or student's file by the Responsible Physician or the authorized designee in accordance with established records retention schedules.

Medical Equipment and Supply Control

720.1 PURPOSE AND SCOPE

This policy outlines the control and inventory process to be utilized in accounting for all medical equipment and supplies. Medical equipment and supplies can pose a hazard for both the inmate population and the staff. Unauthorized possession of medical equipment and supplies constitutes possession of contraband. Unauthorized use of medical equipment and supplies violates inmate rules detailed in the inmate handbook. Since it is necessary to have a well-stocked medical space within the secure perimeter of the facility, there must be a plan to ensure that equipment and medical supplies are accounted for and tightly controlled.

720.2 POLICY

It is the policy of this agency that all medical equipment (e.g., sharps, dental instruments, needles) shall be strictly controlled so they cannot be used as weapons or to facilitate the injection of drugs or other substances. Additionally, these tools and supplies must be controlled to prevent exposure to biohazards.

720.3 STAFF RESPONSIBILITIES

It is the responsibility of the Jail Commander to ensure that the inmate handbook clearly defines the unauthorized possession and/or use of medical equipment and supplies as a rule violation that may result in discipline.

The Responsible Physician or the authorized designee shall create and maintain an inventory log for all medical equipment and supplies. This log will be utilized by medical personnel who work within the facility to track and control medical equipment and supplies. When not in use, all medical equipment and supplies shall be stored in a secure manner to prevent unauthorized access.

At the beginning of each shift, the qualified health care professional shall inventory the medical supplies and equipment within their control. Any time a disposable item is used, the log shall reflect its use and disposal. At the end of each shift, the qualified health care professional will conduct another inventory using the supply and equipment log, and reconcile any disposable supplies used during their shift.

If there is a discrepancy that indicates that medical supplies or equipment are missing, the Jail Captain or Lieutenant shall be immediately notified. The Jail Captain or Lieutenant shall initiate a search for the missing supplies and/or equipment. The Jail Captain or Lieutenant shall document the incident and any actions taken, and provide the Jail Commander with a complete report (Wis. Admin. Code DOC § 350.18(10)).

Continuation of Care

721.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain a proactive health system in the facility that fosters the continuation of health care needs that, if discontinued, would have a negative effect on the health of the inmate. The sole objective is to maintain or improve the health of the inmates. This policy is intended to ensure that inmates receive health services in keeping with current community standards as ordered by qualified health care professionals.

721.2 POLICY

It is the policy of this agency that all inmates shall have access to the continuation of care for a health issue, provided the treatment plan meets community standards. The inmate's health care needs will be assessed by qualified health care professionals and continued as determined or referred after release.

721.3 CONTINUITY OF CARE

The Jail Commander is responsible for coordinating with the Responsible Physician to ensure that all inmates receive appropriate health care, including, but not limited to:

- (a) Newly booked inmates shall have a medical screening as part of the booking and classification process. This screening includes documentation of acute or chronic health issues or conditions, existing injuries and medications or treatments the inmate is currently receiving.
 - 1. Any prior jail health records, including those from other facilities, should be reviewed.
 - 2. Current medications will be verified and continued as deemed appropriate by the Responsible Physician or the authorized designee.
- (b) A health appraisal is completed on or before the 14th day of continuous incarceration.
- (c) Individual treatment plans that are used to guide treatment. The format for planning may vary but should include, at a minimum:
 - 1. The frequency of follow-up for medical evaluation and adjustment of treatment modality.
 - 2. The type and frequency of diagnostic testing and therapeutic regimens.
 - 3. When appropriate, instructions about diet, exercise, medication and adaptation to the correctional environment.
 - 4. Custody staff is informed of the treatment plan when necessary, to ensure coordination and cooperation in the ongoing care of the inmate.
- (d) Reasonable effort should be made to obtain information and records relating to previous health care professionals with the consent of the inmate, if the inmate is currently under medical care.

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- (e) Upon transfer to another facility, a medical discharge summary of the inmate's current condition, medications and treatment plan will be forwarded in a sealed envelope (to maintain confidentiality) to the receiving facility.
- (f) Response to requests for health information from medical facilities and health care professionals, with the inmate's written consent.
- (g) When inmates are sent out of the facility for emergency or specialty medical treatment, written information regarding the inmate's reason for transfer, pertinent medical problems and list of current medications should be sent with the inmate and may be given to those providing care upon request. The name and phone number of a contact person who the medical facility can call should be included with the patient health information. Upon the inmate's return to the facility, treatment recommendations should be reviewed by the Responsible Physician or the authorized designee and appropriate plans should be made for continuing care in the facility based on the treating facility's diagnosis, recommended medications and other treatment.
- (h) Upon release from the facility, inmates should be given written instructions for the continuation of care including, but not limited to:
 - 1. The name and contact information of health care facilities for follow-up appointments.
 - 2. Prescriptions and/or an adequate supply of medication for those with chronic medical or psychiatric conditions.

Inmate Health Care Communication

723.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain effective communication between the treating qualified health care professionals and custody personnel. This communication is essential at all levels of the organization to ensure the health and safety of all occupants of the facility.

723.2 POLICY

It is the policy of this agency that effective communication shall occur between the Jail Commander and the treating qualified health care professionals regarding any significant health issues of an inmate. All health issues should be considered during classification and housing decisions in order to preserve the health and safety of the occupants of this facility.

When a qualified health care professional recognizes that an inmate will require accommodation due to a medical or mental health condition, custody personnel shall be promptly notified in writing.

The Jail Commander shall be responsible for establishing measurable goals relating to processes that enhance good communication between the qualified health care professionals and the custody staff. The Jail Commander should also establish, in writing, the desired performance objectives relating to practices that support good communication between the qualified health care professionals and the custody staff. The Jail Commander should review the documents annually for any necessary revisions or updates in support of continuous improvement in the delivery of health care services.

723.3 MANAGING SPECIAL NEEDS INMATES

Upon an inmate's arrival at the facility, the qualified health care professional, in consultation with the custody staff, should determine if the inmate has any special needs.

- (a) If staff determines that an inmate has special needs, a communication form or other appropriate documentation relating to special needs should be completed and sent to classification personnel, the Jail Captain or Lieutenant and the housing officer. This is to ensure that the inmate is assigned to a housing unit that is equipped to meet his/her special needs.
- (b) The qualified health care professional should arrange for the appropriate follow-up evaluation.
- (c) The health care of special needs inmates should be continuous and ongoing. At minimum, the inmate should be seen by the Responsible Physician or a qualified health care professional at least once every 90 days to evaluate his/her continued designation as a special needs inmate.
- (d) Inmates who have been determined by qualified health care professionals to require a special needs classification should be seen at least once monthly by a qualified health care professional.

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- (e) Prior to transfer to another facility, a medical transfer summary should be completed detailing any special requirements that should be considered while the inmate is in transit and upon his/her arrival at the destination. Discharge planning should be included, as appropriate.
- (f) A treatment plan should be developed for each inmate and should include, at a minimum:
 - 1. The frequency of follow-up for medical evaluation and anticipated adjustments of the treatment modality.
 - 2. The type and frequency of diagnostic testing and therapeutic regimens.
 - 3. When appropriate, instructions about diet, exercise, adaptation to the correctional environment and using prescribed medications.
- (g) When clinically indicated, the qualified health care professionals and the custody personnel should consult regarding the condition and capabilities of inmates with known medical and/or psychiatric illnesses or developmental disabilities prior to any of the following:
 - 1. Housing assignment
 - 2. Program or job assignment
 - 3. Admissions to, and transfers from or between institutions
 - 4. Disciplinary measures for mentally ill patients
- (h) Qualified health care professionals and custody personnel should communicate about inmates who require special accommodation. These include, but are not limited to, inmates who are:
 - 1. Chronically ill
 - 2. Undergoing dialysis
 - 3. Currently in treatment for a communicable disease
 - 4. Physically disabled
 - 5. Pregnant
 - 6. Frail or elderly
 - 7. Terminally ill
 - 8. Mentally ill or suicidal
 - 9. Developmentally disabled

723.4 NOTIFICATION TO SUPERVISORS

In the event that there is no mutual agreement regarding an individual or group of inmates who require special accommodation for medical or mental health conditions, supervisors in the respective chain of command within the health care and custody staff should address these issues.

Forensic Evidence

724.1 PURPOSE AND SCOPE

The purpose of this policy is to maintain credibility between the inmates and the facility's qualified health care professionals by establishing clear guidelines restricting facility health care professionals from participating in the collection of forensic evidence for disciplinary or legal proceedings.

724.1.1 DEFINITION

Definitions related to this policy include:

Forensic evidence - Physical or psychological data collected from an inmate that may be used against the inmate in disciplinary or legal proceedings.

724.2 POLICY

Qualified health care professionals of this facility are generally prohibited from participating in the collection of forensic evidence or performing psychological evaluations for disciplinary or legal proceedings.

Qualified health care professionals of this facility should not be involved in the collection of forensic evidence except when complying with state laws requiring the collection of blood samples from inmates, provided the inmate has consented to the procedure and staff are not involved in any punitive action against the inmate.

Qualified health care professionals of this facility may collect blood or urine for testing for alcohol or drugs when it is done for medical purposes and under a physician's order. Qualified health care professionals of this facility may conduct inmate-specific, court-ordered laboratory tests and examinations or radiology procedures with the consent of the inmate.

Qualified health care professionals of this facility are prohibited from being involved in the following procedures:

- (a) Psychological evaluations for use in adversarial proceedings
- (b) Blood draws for lab studies ordered by the court, without inmate consent
- (c) Any medical procedure, except emergency lifesaving measures, that does not have the inmate's written consent

It shall be the responsibility of the Sheriff or the authorized designee to arrange for appropriately trained professionals to collect forensic evidence for disciplinary or legal proceedings.

Pharmaceutical Operations

726.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures and protocols under which the facility must manage a pharmaceutical operation in order to comply with federal, state and local laws that govern prescribing and administering medication.

726.1.1 DEFINITIONS

Definitions related to this policy include:

Administration - The act of giving a single dose of a prescribed drug or biological substance to an inmate. Administration is limited to qualified health care professionals in accordance with state law.

Controlled substances - Medications classified by the Drug Enforcement Administration (DEA) as Schedule II-IV (21 USC § 812).

Delivery - The act of providing a properly labeled prescription container (e.g., a dated container that includes the name of the individual for whom the drug is prescribed, the name of the medication, dose and instructions for taking the medication, the name of the prescribing physician and expiration dates). Under these circumstances a single dose at a time can be delivered to the inmate, according to the written instructions, by any qualified health care professional.

Dispensing - Those acts of processing a drug for delivery or administration to an inmate pursuant to the order of a qualified health care professional. Dispensing consists of:

- Comparing directions on the label with the directions on the prescription or order to determine accuracy.
- Selection of the drug from stock to fill the order.
- Counting, measuring, compounding or preparing the drug.
- Placing the drug in the proper container and affixing the appropriate prescription label to the container.
- Adding any required notations to the written prescription.

Dispensing does not include the acts of distributing, delivery or administration of the drug. The function of dispensing is limited to pharmacists and qualified health care professionals.

Distributing - The movement of a drug, in the originally labeled manufacturer's container or in a labeled pre-packaged container, from the pharmacy to a health care services area.

Dose - The amount of a drug to be administered at one time.

Drug - An article recognized in the United States Pharmacopoeia and National Formulary (USP-NF), the Homeopathic Pharmacopoeia of the United States or any supplement that is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans. A substance, other than food, intended to affect the structure or any function of the human body.

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Pharmaceutical operations - The functions and activities encompassing the procurement, dispensing, distribution, storage and control of all pharmaceuticals used within the jail, the monitoring of inmate drug therapy and the provision of inmate/patient drug information.

726.2 POLICY

It is the policy of this agency that pharmaceutical operations meet all federal, state and local legal requirements and be sufficient to meet the needs of the facility population (Wis. Admin. Code DOC § 350.16).

726.3 PHARMACEUTICAL OPERATIONS

- (a) The Responsible Physician, in conjunction with the Jail Commander, shall ensure that all medications provided by an arrestee during the admission process or brought to the facility after admission are inventoried and properly stored (Wis. Admin. Code DOC § 350.16(4)).
- (b) The Responsible Physician shall be responsible for establishing and maintaining a system for storing and accounting for controlled substances. An incorrect count shall be reported immediately to the Jail Captain or Lieutenant. Medications shall be stored under proper conditions of security, segregation and environmental control in locked drug cabinets at all storage locations (Wis. Admin. Code DOC § 350.16(5)).
- (c) All medication preparation, storage and administration areas shall be clean, organized, illuminated, ventilated and maintained at an appropriate temperature range. Any mobile medication cart that is not being used in the administration of medication to inmates shall be stored in a locked room that meets similar requirements.
- (d) An annual report on the status of the pharmaceutical operation will be prepared by the pharmacist and provided to the Responsible Physician and the Jail Commander.

726.4 PRESCRIBING MEDICATIONS

All medications shall be prescribed in a safe and effective manner for clinically appropriate reasons and documented in the individual patient medical record. Records shall be retained in accordance with established records retention schedules (Wis. Admin. Code DOC § 350.16).

- (a) Some inmates may be permitted to possess and self-administer some medications when monitored and controlled, in accordance with this policy.
- (b) The qualified health care professional shall notify the Jail Captain or Lieutenant of all known medication errors in a timely manner.
- (c) Unused medication shall be inventoried or disposed upon the inmate's release or transfer (Wis. Admin. Code DOC § 350.16(10); Wis. Admin. Code DOC § 349.19). Medication brought into the facility shall be returned to the inmate upon release or delivered to the transporting correctional officer upon transfer (Wis. Admin. Code DOC § 350.16(9); Wis. Admin. Code DOC § 349.19).

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726.5 PER DOSE MEDICATION ADMINISTRATION

Psychotropic medication, controlled substances, tuberculosis (TB) medication, seizure medication and those listed as directly observed therapy (DOT) shall be administered to inmates on a per dose basis.

- (a) Each medication ordered on a per dose basis for individual inmates shall be kept in the medication room of the facility.
- (b) Medication dispensing envelopes bearing the inmate's name, booking number, housing location and the medication and its dosing schedule shall be generated for each inmate receiving per dose medication. These shall be administered from the individually packaged supply and delivered to the patient at each scheduled medication time.
- (c) The qualified health care professional will confirm the inmate's identity with the name and/or booking number on the dispensing envelope prior to administering the medication.
 - 1. Inmates should have a fluid container and adequate fluid to take the medication being administered.
 - 2. The qualified health care professional should observe the inmate taking the medication to prevent "cheeking" or "palming".
 - 3. The qualified health care professional should inspect the inmate's mouth after the inmate swallows the medication to ensure it was completely ingested. If the inmate appears to be "cheeking" the medication, a chart entry will be made and a notation entered on the medication envelope, as well as the back of the Medication Administration Record (MAR). Custody staff shall be immediately notified of the suspected "cheeking" and shall follow-up with the appropriate security, corrective and/or disciplinary action.
- (d) The qualified health care professional shall record each medication administered by initialing the appropriate date and time. The qualified health care professional shall authenticate the initials by placing his/her initials, signature or name stamp in the designated area on the lower portion of the MAR. Pre-charting is not allowed (Wis. Admin. Code DOC § 350.16 (7)).
 - 1. In the event that medication cannot be administered (for example, the inmate is in court or the medication is not in stock), a note explaining the situation and planned action shall be made on the back of the MAR or on a progress note.
- (e) The qualified health care professional shall have inmates who refuse their medication sign a refusal form at the medication round (Wis. Stat. § 302.384(3); Wis. Admin. Code DOC § 350.16(8)). If the inmate willfully refuses to sign the refusal form, the qualified health care professional shall advise custody staff, who should attempt to resolve the situation through voluntary compliance by reminding the inmate that a refusal to sign may lead to disciplinary action. The qualified health care professional shall also:
 - 1. Note the refusal on the medication log including the date and time.
 - 2. Review the medication logs for prior refusals.

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3. Patterns of refused medications will be documented on the inmate's medical record.
 4. Make a reasonable effort to convince the inmate to voluntarily continue with the medication as prescribed.
 5. Report continued refusals to the Responsible Physician.
- (f) No inmate should be deprived of prescribed medication as a means of punishment.

726.6 SELF-ADMINISTRATION OF MEDICATION

Upon approval of the Responsible Physician or qualified health care professional, inmates may be allowed to self-administer prescribed medication other than psychotropic medication, seizure medication, controlled drugs, TB medication, any medication that is required to be DOT, or has the recognized potential for abuse.

The qualified health care professional ordering medication should educate the inmate regarding potential side effects and the proper use of the medication.

- (a) Medication may be ordered through a pre-booking examination or medical clearance obtained at a hospital or other clinic, an emergency room visit or evaluation by an on-site qualified health care professional.
- (b) Any questions the inmate may have concerning his/her medication should be addressed at this time.
- (c) The inmate shall be instructed to carry medication at all times or to secure it in designated areas within the housing unit.
- (d) All self-administered medications are to be documented on the MAR.
- (e) Upon receipt of the medication, the qualified health care professional should issue the inmate his/her medication as follows:
 1. The qualified health care professional issuing the medication should confirm the inmate's identity with the name and/or booking number on the self-administer package.
 2. When issuing self-administered medication, documentation on the MAR should include the number of pills issued and the qualified health care professional's initials.
- (f) Any self-administered medication may be changed to per-dose at the discretion of the medical staff if the inmate is not responsible enough to self-administer the medication or has a history of frequent rule violations. Documentation in the medical record should accompany any decision to change the medication to per-dose. Custody and health care staff should continuously monitor and communicate with each other regarding inmates complying with the conditions and rules for self-administered medication.
- (g) Inmates who arrive at the facility with prescribed medication should be administered per-dose for any new medications or refills until the new medication or refill is received from the pharmacy.

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726.7 NON-PRESCRIPTION MEDICATION

Any over-the-counter non-prescription medication available to inmates for purchase in the facility commissary shall be approved by the Jail Commander and reviewed annually.

The Jail Commander and the Responsible Physician should establish a limit on the amount of non-prescription medication an inmate may purchase and have in his/her possession at any time. Inmates with medication in an amount above the proscribed limit may be subject to disciplinary sanctions.

Sanitation Inspections

800.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office has established a plan to promote and comply with the environmental safety and sanitation requirements established by applicable laws, ordinances and regulations. This policy establishes a plan of housekeeping tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in this facility.

800.2 POLICY

It is the policy of the Agency to maintain a safe and sanitary facility. To accomplish this goal, the Milwaukee County Sheriff's Office will maintain a written plan that contains schedules and procedures for conducting weekly and monthly sanitation inspections of the facility (Wis. Admin. Code DOC § 350.12(13)).

800.3 RESPONSIBILITIES

The Jail Commander or the authorized designee will ensure that the safety and sanitation plan addresses, at a minimum, the following:

- (a) Schedules of functions (e.g., daily, weekly, monthly or seasonal cleaning, maintenance, pest control, safety surveys).
- (b) Self-inspection checklists to identify problems and to ensure cleanliness of the facility.
- (c) Procedures, schedules and responsibilities for coordinating annual inspections by the Milwaukee County Health Department, including how deficiencies on the inspection report are to be corrected in a timely manner.
- (d) A list of approved equipment, cleaning compounds, chemicals and related materials used in the facility, and instructions on how to operate, dilute or apply the material in a safe manner.
- (e) Record-keeping of self-inspection procedures, forms and actions taken to correct deficiencies.
- (f) Training requirements for custody staff and inmate workers on accident prevention and avoidance of hazards with regard to facility maintenance.

Consideration should be given to general job descriptions and/or limitations relating to personnel or inmates assigned to carrying out the plan. Specialized tasks, such as changing air filters and cleaning ducts or facility pest control, are more appropriately handled by the Agency or by contract with private firms.

Inmates engaged in sanitation duties shall do so only under the direct supervision of qualified custody staff. When inmate work crews are used, additional controls should be implemented to account for all equipment and cleaning materials.

All staff shall report any unsanitary or unsafe conditions to a supervisor. Staff shall report repairs needed to the physical plant and to equipment by submitting an electronic work order. Jail Captain

Sanitation Inspections

or Lieutenants will conduct cleaning inspections on a daily basis. The Jail Commander or the authorized designee will conduct monthly safety and sanitation inspections of the facility.

800.4 WORK ORDERS

All reports of unsafe or unsanitary conditions, as well as repairs needed to the physical plant and equipment, shall be documented in an electronic work order. The Jail Commander will designate a staff person to receive these work orders and take appropriate action to ensure the repairs are made or action is taken. All work and action taken will also be documented electronically. Requests for budget resources above and beyond already budgeted maintenance items shall be reported to the Jail Commander.

800.5 SAFETY DATA SHEETS

Materials and substances used in the operation and maintenance of the facility may qualify as hazardous material. Hazardous material is required to have a companion Safety Data Sheet (SDS) that is provided by the manufacturer or distributor of the material. The SDS provides vital information on individual hazardous material and substances, including instructions on safe handling, storage, disposal, prohibited interactions and other details relative to the specific material.

The Jail Commander or the authorized designee shall be responsible for ensuring that a written hazard communication plan is developed, implemented and maintained at each workplace. Each area of the facility in which any hazardous material is stored or used shall maintain an SDS file in an identified location that includes (29 CFR 1910.1200(e)(1)):

- (a) A list of all areas where hazardous materials are stored.
- (b) A physical plant diagram and legend identifying the storage areas of the hazardous materials.
- (c) A log for identification of new or revised SDS materials.
- (d) A log for documentation of training by users of the hazardous materials.

800.5.1 SDS USE, SAFETY AND TRAINING

All supervisors and users of SDS information must review the latest issuance from the manufacturers of the relevant substances. Staff and inmates shall have ready and continuous access to the SDS for the substance they are using while working. In addition, the following shall be completed (29 CFR 1910.1200(e)):

- (a) Supervisors shall conduct training for all staff and inmates on using the SDS for the safe use, handling and disposal of hazardous material in areas they supervise.
- (b) Upon completion of the training, staff and inmates shall sign the acknowledgement form kept with each SDS in their work area.

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- (c) Staff and inmates using the SDS shall review the information as necessary to be aware of any updates and to remain familiar with the safe use, handling and disposal of any hazardous material.

800.5.2 SDS DOCUMENTATION MAINTENANCE

Changes in SDS information occur often and without general notice. Any person accepting a delivery, addition or replacement of any hazardous material shall review the accompanying SDS. If additions or changes have occurred, the revised SDS shall be incorporated into the file and a notation shall be made in the SDS revision log.

Supervisors shall review SDS information in their work areas semiannually to determine if the information is current and that appropriate training has been completed. Upon review, a copy of the SDS file and all logs shall be forwarded to the Facilities Officer or the authorized designee.

800.5.3 SDS RECORDS MASTER INDEX

The Facilities Officer will compile a master index of all hazardous materials in the facility, including locations, along with a master file of SDS information. He/she will maintain this information in the Inmate Worker Office, with a copy to the local fire department. Documentation of the semiannual reviews will be maintained in the SDS master file. The master index should also include a comprehensive, current list of emergency phone numbers (e.g., fire department, poison control center) (29 CFR 1910.1200(g)(8)).

Hazardous Waste and Sewage Disposal

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for disposing of hazardous waste. The Agency recognizes that the effectiveness of a disposal system depends not only on the written policies, procedures and precautions, but on adequate supervision and the responsible behavior of the staff and inmates. It is the responsibility of everyone in the facility to follow hazardous waste disposal instructions, utilizing prescribed precautions and using safety equipment properly.

801.1.1 DEFINITION

Definitions related to this policy include:

Hazardous waste - Material that poses a threat or risk to public health or safety or is harmful to the environment (e.g., batteries, paints, solvents, engine oils and fluids, cleaning products).

801.2 POLICY

It is the policy of this agency that any sewage and hazardous waste generated at the facility shall be handled, stored and disposed of safely and in accordance with all applicable federal and state regulations and in consultation with the local public health entity (Wis. Admin. Code DOC § 350.12(17)). The Jail Commander or the authorized designee shall be responsible for:

- Contracting with a hazardous waste disposal service.
- Developing and implementing a storage and disposal plan that has been reviewed and approved by a regulatory agency.
- Including hazardous waste issues on internal health and sanitation inspection checklists.
- Including hazardous waste issues in the inmate worker orientation and ensuring that inmate workers receive instruction on proper handling and disposal.
- Developing and implementing procedures for the safe handling and storage of hazardous materials until such time as the contractor removes the items from the facility.
- Ensuring the staff is trained in the proper identification of hazardous waste and the appropriate handling, storage and disposal of such items.

801.3 DISPOSAL PROCEDURE

801.3.1 SEWAGE DISPOSAL

All sewage and liquid waste matter must be disposed of into a public system of sewerage or, if public sewerage is not available, into a private system of sewage disposal in accordance with the requirements of the local public health entity.

The institution's use of the private system must be discontinued and the private system must be properly abandoned when public sewerage becomes available.

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801.3.2 HAZARDOUS WASTE

Hazardous waste generated in the facility shall be properly disposed in designated containers and stored until removed by the contractor. Staff shall use universal standard precautions when in contact with hazardous materials, at a minimum, unless directed otherwise.

801.4 SAFETY EQUIPMENT

The Jail Commander shall ensure that appropriate safety equipment is available. All supervisors shall be knowledgeable in how to access the safety equipment at all times.

801.5 TRAINING

The Emergency Preparedness Planning Captain shall be responsible for ensuring that all facility personnel receive appropriate training in the use of appropriate safety equipment and the identification, handling and disposal of hazardous waste. Training records shall be maintained, including the course roster, curriculum, instructor name and credentials, and testing instruments.

801.6 SUPERVISOR RESPONSIBILITY

Supervisors are responsible for monitoring any hazardous waste containment issue, ensuring that employees have the appropriate safety equipment, that any exposed persons receive immediate medical treatment, and that the appropriate measures are taken to lessen the exposure of others. Supervisors shall ensure that incident reports are completed and forwarded to the Jail Commander in the event of an exposure to staff, inmates or visitors.

Housekeeping and Maintenance

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that the facility is kept clean and in good repair in accordance with accepted federal, state and county standards.

802.2 POLICY

The Jail Commander shall establish a plan for housekeeping and maintenance of the facility. The plan should include, but is not limited to (Wis. Admin. Code DOC § 350.12(1):

- Schedules that determine the frequency of cleaning activities on a daily, weekly or monthly timetable, by area of the facility.
- Supervision of the staff and inmates to ensure proper implementation of the procedures and to ensure that no inmate supervises or assigns work to another inmate.
- Development and implementation of an overall sanitation plan (e.g., cleaning, maintenance, inspection, staff training, inmate supervision).
- Development of inspection forms.
- All inmate responsibilities, which should be included in the inmate handbook.
- A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented.
- Detailed processes for the procurement, storage and inventory of cleaning supplies and equipment.
- A process for the preventive maintenance of equipment and systems throughout the facility.
- Staff supervision of the provision and use of cleaning tools and supplies.

To the extent possible, cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic or otherwise harmful substances used for cleaning shall be clearly labeled and kept in a locked storage area.

802.2.1 ISSUANCE OF CLEANING SUPPLIES

Inmates shall be issued cleaning supplies daily (Wis. Admin. Code DOC § 350.12(12)).

802.3 SANITATION SCHEDULE

A daily, weekly and monthly cleaning schedule will be established by the housing unit supervisor. The facility staff should implement a site specific plan for cleaning and maintenance of each area of the jail (e.g., housing, food preparation, laundry, loading dock/trash storage, barber shop, warehouse, common areas). The following recommendations include, but are not limited to, specific areas and items:

- (a) Daily cleaning:

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1. Sweep and then wet mop the entire jail floor
 2. Clean all cell block areas
 3. Empty all trash receptacles (Wis. Admin. Code DOC § 350.12(16))
 4. Clean all toilets and sinks
 5. Clean all showers
 6. Clean all tables used for common use and meals (Wis. Admin. Code DOC § 350.12(12))
 7. Clean pass-through hatches used for passing meals and objects (Wis. Admin. Code DOC § 350.12(12))
- (b) Weekly cleaning:
1. Dust bars and window ledges
 2. Clean mattresses (mattresses are also to be cleaned prior to being issued to a new inmate)
- (c) Monthly cleaning:
1. Walls
 2. Ceilings
 3. Mattress slab
 4. Air conditioning/heating grates

802.3.1 INMATE PROPERTY STORAGE CONTAINERS

Inmate property storage containers shall be sanitized before reissue (Wis. Admin. Code DOC § 350.12(15)).

802.3.2 SPECIAL ATTENTION SCHEDULE

On a monthly basis, public areas or areas shared by multiple inmates should receive special attention. This may include:

- Vacuum air vents
- Scrub, wax and buff hallways
- Sanitize professional visiting booth
- Power wash showers
- Scrub gymnasium floors
- Sanitize and polish elevator interiors
- Sanitize officer locker rooms

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802.4 TRAINING

All custodial staff and inmate workers assigned cleaning duties shall receive instruction commensurate with their tasks, including proper cleaning techniques, the safe use of cleaning chemicals and areas of responsibility.

802.5 INSPECTION CHECKLIST

The Jail Commander or the authorized designee should develop an inspection checklist that includes the cleaning and maintenance items that will be checked by supervisors on a daily, weekly and monthly basis throughout the facility.

The inspection checklist will closely correspond to the established cleaning and maintenance schedule.

Inspection checklists shall be forwarded to the Jail Commander or the authorized designee for annual review, filing and retention as required by the established records retention schedule (Wis. Admin. Code DOC § 350.12(13)).

Water Supply

804.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office recognizes the importance of providing the facility with safe potable water. The purpose of this policy is to establish guidelines for testing the facility's water to ensure that the water is safe to consume.

804.2 POLICY

In compliance with federal regulations regarding safety of public water systems this facility will ensure the continued supply of safe potable water for use by inmates, staff and visitors through rigorous annual testing of water supplies (42 USC § 300f et seq.).

804.3 PROCEDURE

The Jail Commander shall ensure that the facility's potable water source is tested. Water quality will be certified to be in compliance with all federal, state and local regulations. Corrective measures shall be promptly taken if the test results fall below acceptable regulatory standards.

In the event that water testing reveals any significant hazards to the inmates or staff at the facility, the Sheriff, Jail Commander and the Responsible Physician shall take immediate action to mitigate the problem.

804.4 EMERGENCY PLAN

The Jail Commander and the Responsible Physician shall develop a plan for the supply of potable water for drinking and cooking in the event that a man-made or natural disaster interrupts the regular water supply. The plan shall address methods for providing clean potable water for a minimum of three days, and should have contingency plans for emergencies lasting longer than three days. The plan should also include contingencies for the use of non-potable water to flush toilets and remove effluent from the facility.

Inmate Hygiene

807.1 PURPOSE AND SCOPE

This policy outlines the procedures that will be taken to ensure the personal hygiene of every inmate in the Milwaukee County Jail is maintained. The Milwaukee County Sheriff's Office recognizes the importance of each inmate maintaining acceptable personal hygiene practices by providing adequate bathing facilities, hair care services and the issuance and exchange of clothing, bedding, linens, towels and other necessary personal hygiene items.

807.2 POLICY

It is the policy of Milwaukee County Sheriff's Office to maintain a high standard of hygiene in compliance with the requirements established by all state laws, ordinances and regulations (Wis. Admin. Code DOC § 350.12). Compliance with laws and regulations relating to good inmate hygiene practice is closely linked with good sanitation practices. Therefore, the need to maintain a high level of hygiene is not only for the protection of all inmates, but for the safety of the correctional staff, volunteers, contractors and visitors.

807.3 STORAGE SPACE

There should be adequate and appropriate storage space for inmates' bedding, linen or clothing. The inventory of clothing, bedding, linen and towels should exceed the maximum inmate population so that a reserve is always available (Wis. Admin. Code DOC § 350.12(5)).

The facility should have clothing, bedding, personal hygiene items, cleaning supplies and any other items required for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff shall ensure that the storage areas are properly maintained and stocked. The Jail Commander should be notified if additional storage space is needed.

807.3.1 BEDDING ISSUE

Upon entering a living area of the Milwaukee County Jail, every inmate who is expected to remain in the facility for over eight hours shall be issued bedding and linens including, but not limited to:

- (a) Sufficient freshly laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered monthly and before reissue, in accordance with facility operational laundry rules (Wis. Admin. Code DOC § 350.12(2)).
- (b) One clean, firm, nontoxic fire-retardant mattress and pillow (16 CFR 1633.1 et seq.; Wis. Admin. Code DOC § 350.12(5)).
 - 1. Mattresses will be serviceable and enclosed in an easily cleanable, nonabsorbent material and conform to the size of the bunk (Wis. Admin. Code DOC § 350.12(7)). The Jail Commander shall retain documentation from the mattress supplier that the mattresses meet the required specifications (Wis. Admin. Code DOC § 350.12(6)). Mattresses will be cleaned and disinfected

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when an inmate is released or upon reissue. Mattresses shall be kept in good repair (Wis. Admin. Code DOC § 350.12(5)).

(c) Two sheets.

1. These linens shall be washed and exchanged at least weekly and before reissue (Wis. Admin. Code DOC § 350.12(3)).

(d) One clean washcloth and two towels.

1. Towels shall be issued to inmates twice a week (Wis. Admin. Code DOC § 350.12(4)).

Linen exchange, including towels, shall be documented in the daily activity log. The Jail Captain or Lieutenant shall review the daily activity log at least once per shift.

807.3.2 CLOTHING ISSUE

An inmate admitted to a facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing. The issue of clothing appropriate to the climate for inmates shall include, but is not limited to, the following:

- Clean socks
- Suitable outer and undergarments
- Footwear

Whenever an inmate's clothing is confiscated, the inmate shall be issued appropriate facility clothing, including footwear (Wis. Admin. Code DOC § 350.12(8)).

Clothing shall be laundered and exchanged twice each week, at a minimum (Wis. Admin. Code DOC § 350.12(9)). All exchanges shall be documented on the daily activity log. The Jail Lieutenant or unit supervisor shall review the daily activity log at least once per shift.

Additional clothing may be issued as necessary for changing weather conditions or as seasonally appropriate. An inmate's personal undergarments and footwear may be substituted for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items and they are approved by the medical staff.

Each inmate assigned to a special work area, such as food services, medical, sanitation, and other specified work, shall be clothed in accordance with the requirements of the job, including any appropriate protective clothing and equipment, which shall be exchanged as frequently as the work assignment requires.

Footwear shall be cleaned and sanitized before reissue (Wis. Admin. Code DOC § 350.12(8)).

The Jail Commander or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra clothing to ensure each inmate shall have neat and clean clothing appropriate to the season.

Inmate Hygiene

An inmate's excess personal clothing may be picked up by a designated family member or stored in containers designed for such purpose. All inmate personal property shall be properly identified, inventoried and secured. Inmates shall sign and receive a copy of the inventory record.

807.4 LAUNDRY SERVICES

Laundry services shall be managed so that daily clothing, linen and bedding needs are met (Wis. Admin. Code DOC § 350.12(9)).

807.5 INMATE ACCOUNTABILITY

To ensure inmate accountability, inmates are required to exchange item for item when clean clothing, bedding and linen exchange occurs.

Prior to being placed in a housing unit, inmates shall be provided with an inmate handbook listing this requirement.

807.6 PERSONAL HYGIENE OF INMATES

Personal hygiene items, hair care services and facilities for showers will be provided in accordance with applicable laws and regulations. This is to maintain a standard of hygiene among inmates in compliance with the requirements established by state laws as part of a healthy living environment.

Each inmate held more than 24 hours shall be issued, at a minimum, the following items (Wis. Admin. Code DOC § 350.12(11)):

- One bar of bath soap or equivalent
- One unbreakable comb or brush
- Toothpaste or powder
- Toothbrush
- Shaving equipment, upon request
- Toilet paper
- Materials as appropriate to the special hygiene needs of women
- Deodorant

The Jail Commander or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers. Personal hygiene items should be appropriate for the inmate's sex. Additional hygiene items shall be provided to inmates upon request, as needed.

Inmates shall not be required to share personal care items or disposable razors (Wis. Admin. Code DOC § 350.12(11)). Used razors are to be disposed into approved sharps containers.

Inmates, except those who may not shave for reasons of identification in court, shall be allowed to shave daily. The Jail Commander or the authorized designee may suspend this requirement for any inmate who is considered a danger to him/herself or others.

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807.6.1 PROVIDING FEMALE HYGIENE ITEMS AND TOILET PAPER

Basic female hygiene items and toilet paper shall be provided upon the inmate's request (Wis. Admin. Code DOC § 350.12(11)). Female hygiene items shall only be distributed to female inmates.

807.7 BARBER AND COSMETOLOGY SERVICES

The Jail Commander or the authorized designee shall be responsible for developing and maintaining a schedule for hair care services provided to the inmate population and will have written policies and procedures for accessing these services (see the Grooming Policy). The Jail Commander shall ensure that the rules are included in the inmate handbook.

807.7.1 SCHEDULE FOR HAIR CARE SERVICES

Records of hair care services shall be documented in the daily activity log.

Prior to being placed in a housing unit, inmates will be given an inmate handbook, which details how to request hair care services.

807.7.2 HAIR CARE SPACE

Due to sanitation concerns, the hair care services should be located in a room that is designated for that purpose. The floors, walls, cabinets, countertops and ceilings should be smooth, nonabsorbent and easily cleanable. The room should be supplied with a hand washing sink with hot and cold water under pressure. The minimum hot water temperature must comply with local building and health department standards.

The contracted barbering provider should have all the equipment necessary for maintaining sanitary procedures for hair care, including disinfectants, laundered towels and a means of separating sanitized equipment from soiled equipment. A waste container shall be provided by the facility.

After each haircut, all tools that came into contact with the inmate shall be thoroughly cleaned and sanitized according to established guidelines and regulations. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after use.

Barbers or beauticians shall not provide hair care service to any inmate when the skin of the face, neck or scalp is inflamed, or when there is scaling, pus or other evidence of skin eruptions, unless it is performed in accordance with the specific written authorization of the Responsible Physician. Any person infested with head lice shall not be given hair care service until cleared by the medical staff.

The hair care services area shall be maintained and kept clean according to the requirements of the state or local board of barbering and cosmetology and the health department standards.

807.8 AVAILABILITY OF PLUMBING FIXTURES

Inmates confined to cells or sleeping areas shall have access to toilets and washbasins with hot and cold running water that is temperature controlled. Access shall be available at all hours of the day and night without staff assistance.

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The minimum number of plumbing fixtures provided for inmates in housing units is:

- One sink/washbasin for every 12 inmates.
- One toilet to every 12 male inmates (urinals may be provided for up to half the toilets).
- One toilet to every eight female inmates.

807.9 INMATE SHOWERS

Inmates will be allowed to shower upon assignment to a housing unit and every other day thereafter or more often if possible. There should be one shower for every 20 inmates unless federal, state or local building or health codes differ. Showering facilities for inmates housed at this facility shall be clean and properly maintained. Water temperature shall be periodically checked to ensure it is safe for inmates and staff.

Inmates shall be permitted to shower, perform bodily functions and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex shall announce their presence when entering an inmate housing unit (28 CFR 115.15).

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates (28 CFR 115.42).

807.10 DELOUSING MATERIALS

Delousing materials and procedures shall be approved through consultation with the Responsible Physician or qualified health care professionals.

807.11 RESPONSIBILITIES

The Jail Commander or the authorized designee shall ensure the basic necessities related to personal care are provided to each inmate upon entry into the general population. Appropriate additional personal care items may be available for purchase from the inmate commissary.

Food Services Training

901.1 PURPOSE AND SCOPE

The purpose of this policy is to reduce the risk of potential injury in the food services areas by developing and implementing a comprehensive training program for staff, contractors and inmate workers.

901.2 POLICY

The Milwaukee County Sheriff's Office ensures a safe and sanitary environment is maintained for the storage and preparation of meals through the appropriate training of food services staff and inmate workers (Wis. Admin. Code DOC § 350.11(14)).

901.3 TRAINING

The food services manager is responsible for ensuring that a training curriculum is developed and implemented in the use of equipment and safety procedures for all food services personnel, including staff, contractors and inmate workers.

The training shall include, at minimum:

- (a) Work safety practices and use of safety equipment.
- (b) Sanitation in the facility's food services areas.
- (c) Reducing risks associated with operating machinery.
- (d) Proper use of chemicals in food services areas.
- (e) Employing safe practices.
- (f) Facility emergency procedures.

A statement describing the duties and proper time schedule should be developed for each job function in the facility's kitchen and food services operation. The food services manager should establish an employee/kitchen worker training course, and all staff or inmate workers shall be trained on how to assemble, operate, clean and sanitize kitchen equipment.

Information about the operation, cleaning and care of equipment, including manufacturer's literature, that is suitable for use as reference material shall be kept in the food services operation area. The reference material should be used in developing training on the use of the equipment and the maintenance and cleaning procedures.

Safety and sanitation shall be the primary consideration in equipment purchase and replacement. Placement and installation of equipment must be carefully planned to facilitate cleaning, sanitizing, service and repairs. The equipment must also meet any applicable government codes.

901.4 TESTING

Contracted service providers should be required to provide documentation and certification of their employees. Only trained personnel are authorized to use food services equipment.

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Dietary Guidelines

902.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the nutritional needs of the inmates are met and that overall health is promoted through the use of balanced nutritious diets.

902.2 POLICY

It is the policy of this agency that diets provided by this facility will meet or exceed the guidelines established in the current publication of the U.S. Department of Agriculture's Dietary Guidelines for Americans (DGA).

902.3 REVIEW OF DIETARY ALLOWANCES

The food services manager is responsible for developing the facility's menus and shall ensure that all menus served by food services comply with the DGA guidelines (Wis. Admin. Code DOC § 350.11(1)). Any deviation from the DGA guidelines shall be reviewed by the Jail Commander and the Responsible Physician.

The food services manager or the authorized designee shall ensure that the facility's menus and dietary allowances are evaluated annually by a registered dietitian, and that any changes meet the DGA guidelines. A registered dietitian must approve menus before they are used.

Menus should be evaluated at least quarterly by the food services manager or the authorized designee.

902.4 MENU CYCLE PLANNING

The food services manager or the authorized designee should plan the menus one month in advance of their use.

Any changes to the menu must be recorded and kept until the next annual inspection. Any menu substitutions must use better or similar items.

Menus should include the following minimum food group allowance:

- (a) Dairy Group: Three servings of fat-free or low-fat milk or food providing at least 250 mg. of calcium and equivalent to 8 ounces of fluid milk. Four servings for juveniles 15-17 years of age or women who are pregnant or lactating.
- (b) Vegetable-Fruit Group: Five servings of fruits and vegetables. At least one serving shall be from each of the following three categories:
 - 1. One serving of a fresh fruit or vegetable.
 - 2. One serving of a Vitamin A source, fruit or vegetable, containing at least 200 micrograms retinol equivalents or more.
 - 3. One serving of a Vitamin C source containing at least 30 mg. or more.

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- (c) Grain Group: A minimum of six servings of grains, three of which must be made with some whole grains.
- (d) Protein Group: Three servings of lean meat, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter or textured vegetable protein, equivalent to 14 grams or more of protein. In addition, a fourth serving from the legumes category shall be served three days a week.
- (e) Total dietary fat should not exceed 30 percent of the total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable.

Providing only the minimum servings outlined in the requirements above is not sufficient to meet the caloric requirements of an inmate. Additional servings of dairy, vegetable-fruit and grain groups must be provided in amounts to meet caloric requirements.

Food Services Workers' Health, Safety and Supervision

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish basic personal health, hygiene, sanitation and safety requirements to be followed by all food services workers and to ensure the proper supervision of food services staff and inmate workers.

903.2 POLICY

The Milwaukee County Sheriff's Office will ensure that meals are nutritionally balanced, safe and prepared and served in accordance with applicable health and safety laws. All inmate food services workers will be properly supervised by correctional officers to ensure safety and security at all times (Wis. Admin. Code DOC § 350.11(15)).

903.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for developing and implementing procedures to ensure that all meals are prepared, delivered and served only under direct supervision by staff.

Work assignments shall be developed to ensure that sufficient food services staff is available to supervise inmate food services workers. The food services manager should coordinate with the Jail Captain or the authorized designee to ensure that sufficient correctional staff is available to supervise inmate meal service.

The food preparation area must remain clean and sanitary at all times (Wis. Admin. Code DOC § 350.11(5)). The food services manager or the authorized designee shall post daily, weekly and monthly cleaning schedules for the equipment and food preparation area.

All persons who work in food service areas shall wear clean garments and clean caps or hairnets and shall keep their hands clean at all times when engaged in the handling of food, drink, utensils or equipment. Particular attention shall be given to the cleaning of fingernails (Wis. Admin. Code DOC § 350.11(11); Wis. Admin. Code DOC § 350.11(13)).

Staff shall ensure inmate food service workers shall shower daily and are provided with clean work clothes (Wis. Admin. Code DOC § 350.11(11)).

903.4 MEDICAL SCREENING

The food services manager shall work cooperatively with the Responsible Physician to develop procedures to minimize the potential for spreading contagious disease and food-borne illness. In an effort to prevent the spread of illness, the following shall be strictly observed:

- (a) All food services workers shall have a medical evaluation prior to performing food service activities to screen for transmissible illnesses or diseases. The examination shall be conducted in accordance with local regulations and repeated at scheduled intervals.

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- (b) Food services workers shall have education and ongoing monitoring in accordance with the standards set forth in the applicable government health and safety codes.
- (c) A supervisor shall inspect and monitor the health and cleanliness of food service workers, and remove anyone exhibiting any signs of food-transmissible disease from any food services area.
- (d) Any person working in any food services area who is diagnosed by a qualified health care professional with a contagious illness should be excluded from the food services areas until medically cleared to return to work (Wis. Admin. Code DOC § 350.11(12)).
- (e) Food handlers shall wash their hands with anti-bacterial soap and water immediately prior to performing food service activities and after using toilet facilities.
- (f) Aprons shall be removed and secured in a clean storage area before entering the toilet facility.
- (g) Food services workers shall wear disposable plastic gloves and a protective hair covering, such as a hat or hairnet, when handling or serving food. Gloves shall be changed after each task is completed.
- (h) Vendor must submit evidence of compliance with state and local food safety regulations.
- (i) Smoking at any time is prohibited in any food services area.
- (j) Documentation of compliance with all of the above and with any other risk-minimizing efforts implemented to reduce food transmissible disease shall be maintained in accordance with established records retention schedules.
- (k) All food services workers shall report to a supervisor any information about their health and activities in accordance with health and safety codes as they relate to diseases that are transmittable through food (e.g., open sores, runny nose, sore throat, cough, vomiting, diarrhea, fever, recent exposure to contagious diseases such as Hepatitis A or tuberculosis).

Any food services worker is prohibited from handling food or working in any food services area if he/she reports symptoms such as vomiting, diarrhea, jaundice, sore throat with fever or has a lesion containing pus, such as a boil or infected wound that is open or draining. Food service workers shall only return to work in food service areas when cleared by a qualified health care professional.

903.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS

The food services manager is responsible for developing and implementing a training program for inmate food services that includes food safety, proper food-handling techniques and personal hygiene. Each inmate food services worker shall satisfactorily complete the initial training prior to being assigned to prepare, deliver or serve food. Food services workers should receive periodic supplemental training as determined by the food services manager (Wis. Admin. Code DOC § 350.11(14)).

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The training curriculum for inmate food services workers should include, at minimum, the following topics:

- Proper hand-washing techniques and personal hygiene as it applies to food services work
- Proper application and rotation of gloves when handling food
- Proper use of protective hair coverings, such as hats or hairnets
- Wearing clean aprons and removing aprons prior to entering toilet facilities
- Maintaining proper cooking and holding temperatures for food
- Proper portioning and serving of food
- Covering coughs and sneezes to reduce the risk of food-borne illness transmission
- Reporting illness, cuts or sores to correctional officers

903.6 SUPERVISION OF INMATE WORKERS

Only personnel authorized to work in the food preparation area will be allowed inside. Inmate food handlers working in the kitchen must be under the supervision of a correctional officer or deputy (Wis. Admin. Code DOC § 350.11(15)). The Jail Commander will appoint at least one qualified correctional officer or deputy, who will be responsible for the oversight of daily activities and ensuring food safety.

A sufficient number of correctional officers shall be assigned to supervise and closely monitor inmate food services workers. The food services manager or the authorized designee shall ensure that inmate food services workers do not misuse or misappropriate tools or utensils, and that all workers adhere to the following:

- Correct ingredients are used in the proper proportions.
- Food is maintained at proper temperatures.
- Food is washed and handled properly.
- Food is served using the right utensils and in the proper portion sizes.
- Utensils such as knives, cutting boards, pots, pans, trays and food carts used in the preparation, serving or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- All utensils are securely stored under sanitary conditions when finished.

903.7 SUPERVISION OF THE FOOD SUPPLY

The risk of conflict and protest is reduced when the inmate population has confidence in the safety and quality of their food. Custody staff should supervise the transport and delivery of food to the respective serving areas. Custody staff should ensure the food is protected and covered during

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transportation, delivered to the right location efficiently and under the right temperatures (Wis. Admin. Code DOC § 350.11(16)).

Food services staff should report any suspected breach in the safety or security of the food supply. Staff should be alert to inmate behavior when serving food, and cognizant of any comments concerning perceived contamination or portioning issues. Staff should report any suspicion of inmate unrest to a supervisor.

Any change to the published menu or the standard portioning should be documented and reported to the food services manager as soon as practicable.

Food Preparation Area

904.1 PURPOSE AND SCOPE

This policy is intended to ensure the proper design and maintenance of the food preparation area.

904.2 POLICY

It is the policy of this agency to comply with all federal, state and local laws and regulations concerning the institutional preparation of food.

904.3 COMPLIANCE WITH CODES

The Jail Commander is responsible for ensuring that food preparation and service areas are in compliance with all applicable laws and regulations and that food preparation areas are sanitary, well lit, ventilated and have adequate temperature-controlled storage for food supplies.

Any physical changes in the food preparation area, such as changing equipment or making major menu changes (from cold production to hot food), must be approved by the local public health entity to ensure adequate food protection.

Living or sleeping quarters are prohibited in the food preparation and food services areas.

The food preparation area must avoid cross contamination and remain free from pest infestation.

904.4 CONSTRUCTION REQUIREMENTS

All remodeling and new construction of food preparation areas shall comply with federal, state and local building codes, comply with food and agricultural laws and standards and include any required approvals from any local regulatory authority.

The size of the food preparation area shall be adequate for the facility's population.

Floors, floor coverings, walls, wall coverings and ceilings should be designed, constructed and installed so they are smooth, non-absorbent and attached so that they are easily cleanable.

Except in the area used only for dry storage, porous concrete blocks or bricks used for interior walls shall be finished and sealed for a smooth, non-absorbent, easily cleanable surface.

Food storage areas shall be appropriately clean, sized, typed and temperature-controlled for the food being stored.

Lighting throughout the kitchen and storage areas shall be sufficient for staff and inmates to perform necessary tasks.

Mechanical ventilation of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes shall be provided, if necessary.

All equipment used in the food preparation area shall be commercial grade and certified by the American National Standards Institute or approved by a registered environmental health professional/sanitarian.

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Food Preparation Area

Dishwashing machines will operate in accordance with the manufacturer recommendations and hot water temperatures will comply with federal, state and local health requirements.

Equipment must be smooth, easy to clean, and easy to disassemble for frequent cleaning. Equipment should be corrosion resistant and free of pits, crevices or sharp corners.

Dry food storage must have sufficient space to store a minimum of 15 days of supplies. All food must be stored in sealed containers and a minimum of 6 inches off the floor.

904.5 TOILETS AND WASHBASINS

A sufficient number of toilets and washbasins shall be located near the food preparation area for convenient sanitation and proper hygiene. Toilet facilities shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning and maintenance.

Signs shall be conspicuously posted throughout the food preparation area and in each restroom informing all food services staff and inmate workers to wash their hands after using the restroom. Signs shall be printed in English and in other languages as may be dictated by the demographic of the inmate population.

To reduce the potential for contaminants being brought into the food preparation area, toilet facilities in the vicinity of the food preparation area should be limited to use by the food services staff and inmate workers only. Anyone working in the food services area must store their aprons in a designated clean area before entering the toilet facilities.

The food services manager shall be responsible for procedures to ensure:

- (a) All fixtures in the toilet facilities are clean and in good operating condition.
- (b) A supply of toilet tissue is maintained at each toilet at all times. Toilet facilities used by women shall have at least one covered waste receptacle.
- (c) The hand-washing station located adjacent to the toilet facility has warm water available and is kept clean and in good operating condition. Single-dispensing soap and a method for drying hands shall be provided at all times.

If the toilet facility is outside of the kitchen area, food services workers must wash their hands after using the toilet facility and again upon returning to the kitchen area before preparing or serving food.

Food Budgeting and Accounting

905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish processes that will enable the facility's food services to operate within its allocated budget, and for the development of specifications for purchasing food, equipment and supplies for the delivery of food services.

905.2 POLICY

The Milwaukee County Sheriff's Office food services facilities shall serve nutritious meals in an efficient and cost-effective manner in accordance with applicable laws and standards.

905.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for maintaining the agreed upon per meal, per inmate budget for food, equipment and supplies that are needed for the effective operation of the facility food services. This includes monitoring purchases according to the budgeted weekly and monthly spending plans.

The volume for purchasing should be based upon the food services needs and storage availability.

Food Services Facilities Inspection

906.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for inspecting food services areas and facilities to ensure a safe and sanitary environment for staff and inmates.

906.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that the food services area be maintained in a safe, sanitary condition by conducting regularly scheduled documented inspections, both by facility staff and by an independent third party as required by law (Wis. Admin. Code DOC § 350.11).

906.3 CLEANING AND INSPECTIONS BY STAFF

The food services manager shall ensure that all equipment, appliances and utensils in the food preparation areas and dining areas are inspected monthly (Wis. Admin. Code DOC § 350.11(4)). Adequate hot and cold water should be available in the kitchen. The water temperature of all fixtures should be checked and recorded weekly to ensure compliance with the required temperature range. Deficiencies noted by inspections shall be promptly addressed.

A documented cleaning schedule for each food services area shall be developed and posted for easy reference by staff, and shall include areas such as floors, walls, windows and vent hoods (Wis. Admin. Code DOC § 350.11(5)). Equipment, such as chairs, tables, fryers and ovens, should be grouped by frequency of cleaning as follows:

- After each use
- Each shift
- Daily
- Weekly
- Monthly
- Semi-annually
- Annually

The food services manager is responsible for establishing and maintaining a record-keeping system to document the periodic testing of sanitary conditions and safety measures, in accordance with established records retention schedules. At the direction of the Jail Commander or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

906.3.1 SAFETY INSPECTION CHECKLIST

The following items should be part of the monthly documented inspection (Wis. Admin. Code DOC § 350.11(4)):

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Food Services Facilities Inspection

- Lighting is adequate and functioning properly.
- Ample working space is available.
- Equipment is securely anchored.
- There are suitable storage facilities, minimizing the risk of falling objects.
- Floors are clean, dry, even and uncluttered.
- Machines have proper enclosures and guards.
- A clear fire safety passageway is established and maintained.
- Fire extinguishers and sprinkler systems are available, not expired and are tested regularly.
- The food preparation area has good ventilation.
- Furniture and fixtures are free from sharp corners, exposed metal and splintered wood.
- All electrical equipment is in compliance with codes and regulations.
- All workers wear safe clothing, hair coverings, gloves and protective devices while working.
- All workers are in good health, with no symptoms of illness or injury that would pose a risk to food safety.
- All ranges, ovens and hot holding equipment are clean and in good operating condition.
- Mixers and attachments are clean and in good operating condition.
- Dishwashing machines are clean and in good operating condition, and proper chemicals are in use.
- Water temperatures for hand sinks, ware washing sinks and dishwashing machines meet minimum acceptable temperatures (Wis. Admin. Code DOC § 350.11(17)).
- Appropriate hand-washing stations are provided.
- Toilet facilities are in good repair and have a sufficient supply of toilet paper.
- All temperature charts and testing documents are current, accurate and periodically reviewed and verified by the food services manager.
- Only authorized personnel are allowed in the kitchen area.
- Foods are labeled and stored properly using the first-in first-out system.
- The refrigerators and freezers are in good operating condition and maintain proper temperature.
- There is no evidence of cross-connection or cross-contamination of the potable water system.

Food Services Facilities Inspection

906.4 CONTRACTING FOR INSPECTION

The food services manager is responsible for ensuring that the food services operation works in accordance with all state and local laws and regulations.

The food services manager shall contract with an independent, outside source for a documented annual inspection of the food services facilities and equipment, to ensure that established state and local health and safety codes have been met (Wis. Admin. Code DOC § 350.11(3)).

Documentation of the inspections, findings, deficiencies, recommended corrective actions and verification that the corrective standards were implemented will be maintained by the facility in accordance with established records retention schedules.

A contract for services from an independent and qualified inspector should include, but is not limited to, the following components:

- (a) The inspector should conduct a pre-inspection briefing with the food services manager and other appropriate personnel to identify the applicable government health and safety codes and the areas to be inspected. The inspector should provide the necessary equipment to conduct the inspection.
- (b) The inspector should audit the policies and procedures of the food services operation.
- (c) During the course of the inspection, the inspector should study and report on whether the following meet acceptable standards:
 - 1. Walls, ceilings and floors are in good condition, smooth and easily cleanable.
 - 2. The kitchen layout is properly designed to avoid cross-contamination.
 - 3. The kitchen is properly lighted and ventilated.
 - 4. The temperature-controlled storage areas are in good operating condition and proper temperatures are being maintained.
 - 5. Dry foods are properly stored off the floor, away from the walls and ceilings.
 - 6. There is no sign of pest infestation.
 - 7. All equipment is properly maintained, in a sanitary condition and is certified by one of the American National Standards Institute certification agencies (e.g., Underwriters Laboratories, Extract, Transform and Load, or the National Science Foundation product certification mark).
 - 8. The dishwashing equipment is clean, in good operating condition and maintains proper washing and rinsing temperatures.
 - 9. There is no evidence of cross-contamination between the potable and contaminated water systems.
 - 10. The ware washing area is clean and supplied with proper chemicals and Safety Data Sheets.
 - 11. The food is properly stored, labeled and rotated according to first-in first-out procedures.

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Food Services Facilities Inspection

12. The food services staff and inmate workers are wearing clean uniforms and practice proper personal hygiene.
13. All food services workers are trained for proper food handling and there is a person in charge who is responsible for the food safety of the facility.
14. Appropriate hand-washing stations are provided.

Any deficiencies should be noted by the inspector in his/her inspection report and recommendations made for corrective action.

At the exit interview the inspector should cite any violations according to the government health and safety codes.

The inspector should conduct a follow-up inspection to verify the deficiencies have been corrected as recommended.

The food services manager should provide the Jail Commander or the authorized designee with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

Prescribed Therapeutic Diets

908.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that inmates who require prescribed therapeutic diets as a result of a diagnosed medical condition are provided with nutritionally balanced therapeutic meals that are medically approved and meet nutritional and safety standards.

908.2 POLICY

The Responsible Physician, in consultation with the food services manager, shall:

- (a) Develop written procedures that identify individuals who are authorized to prescribe a therapeutic diet.
- (b) The therapeutic diets utilized by this facility shall be planned, prepared and served with consultation from a registered dietitian.
- (c) The Jail Commander shall comply with any therapeutic diet prescribed for an inmate.
- (d) The Jail Commander and the Responsible Physician shall ensure that the diet manual, which includes sample menus of therapeutic diets, shall be available to both health services and food services workers. A registered dietitian shall review, and the Responsible Physician shall approve, the diet manual on an annual basis.

As a best practice, all therapeutic diet prescriptions should be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of an inmate developing an adverse medical condition or nutritional effect as the result of a diet that is inconsistent with the inmate's current medical needs. A diet request form should be made available to inmates.

Pregnant or lactating women shall be provided a balanced, nutritious diet approved for pregnant women by a physician (Wis. Admin. Code DOC § 350.11(9); Wis. Admin. Code DOC § 350.15(11)).

908.3 STAFF COMMUNICATION/COORDINATION

It is the responsibility of the health authority to compile a daily list of all inmates who are prescribed therapeutic diets. The list should contain the following information:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) Special remarks or instructions

Any time inmates are assigned to a different housing area, correctional staff must notify the food services personnel immediately.

Prescribed Therapeutic Diets

908.4 PREPARATION AND DELIVERY OF MEALS

The food services manager or the authorized designee is responsible for reviewing the therapeutic diet lists prepared by the Responsible Physician, counting the number and type of therapeutic meals to be served and preparing the food according to the therapeutic menu designed by the registered dietitian.

Therapeutic diets may include snacks and oral supplements. Snacks and supplements should be distributed with regularly scheduled meal service or may be distributed with inmate medications. Individual labels or written documents containing the following information should be prepared by the kitchen, clearly identifying each meal and any included snacks:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type

The custody staff responsible for meal distribution shall ensure that any inmate who has been prescribed a therapeutic meal by the Responsible Physician or the authorized designee receives the prescribed therapeutic meal.

Unless a therapeutic diet was prescribed with a specific end date, only the Responsible Physician or the authorized designee may order that a therapeutic diet be discontinued.

Inmates who are receiving therapeutic diets must receive clearance from the Responsible Physician before he/she may receive a religious or disciplinary diet.

If prescribed by the Responsible Physician, supplemental food shall be served to inmates more frequently than the regularly scheduled meals. An inmate who misses a regularly scheduled meal shall receive his/her prescribed meal.

Inmate Exercise and Recreation

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the Milwaukee County Sheriff's Office facility will have sufficient exercise and recreation periods, as required by law.

1003.1.1 DEFINITIONS

Definitions related to this policy include:

Exercise - The physical exertion of large muscle groups.

Recreation - Activities that may include table games, watching television or socializing with other individuals.

1003.2 POLICY

It is the policy of this agency to provide inmates with access to exercise opportunities and recreation activities in accordance with state laws or requirements. The Jail Commander or the authorized designee shall be responsible for ensuring there is space allocated for physical exercise and recreation, and that a schedule is developed to ensure accessibility for all inmates (Wis. Admin. Code DOC § 350.33).

1003.3 ACCESS TO RECREATION

Inmates shall have access to recreation activities outside their cells at least once a day. The length of time will be determined by the inmate's classification status, security concerns and operational schedules that preclude recreation during a period of time (e.g., meal times, searches, lockdown or court). The staff should ensure that the maximum time possible is provided to the inmates for this purpose.

Televisions, table games and other items may also be made available to enhance recreation time (Wis. Admin. Code DOC § 350.34(1)).

1003.4 SECURITY AND SUPERVISION

The staff supervising the inmates during exercise and recreation time shall document when each inmate has the opportunity to exercise or recreate.

The supervising staff may terminate the exercise or recreation period of any inmate who continues to act in an aggressive or disorderly manner after being ordered to stop by the staff. Whenever an exercise or recreation period is involuntarily terminated, the staff will document the incident and rationale for terminating the exercise period.

Commissary Services

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a commissary program that will give inmates the opportunity to purchase specific items not provided to them while in custody.

1004.2 POLICY

It is the policy of this agency to provide commissary services so that inmates who are not on disciplinary restriction and who have funds posted to their inmate accounts may purchase items approved by the Jail Commander (Wis. Admin. Code DOC § 350.35).

Commissary services are provided by an approved vendor.

1004.2.1 RESTRICTED PRIVILEGES

Privileges may be restricted based upon inmate classification or status (Wis. Admin. Code DOC § 350.35).

Commissary items shall be delivered to inmates who are on lock-in status on a housing unit.

Inmates moved to housing unit 4D for disciplinary reasons who ordered commissary while on a general housing unit shall not receive the commissary items. The Commissary Clerk shall return the items and credit the inmate's account.

1004.3 QUANTITY RESTRICTIONS

Quantity limits for inmates who have their own funds shall be in accordance with postings in each housing unit and the inmate handbook.

1004.4 COMMISSARY ACCOUNTING

The Jail Lieutenant shall be responsible for ensuring that all inmates who have commissary privileges have the opportunity to order and receive commissary items in a timely manner.

All inmates shall be afforded the opportunity to review an accounting of their money held in their account, to include deposits, debits and commissary goods purchased and received. Any discrepancy of the inmate's funds shall be immediately reported to the Lieutenant. If the Lieutenant, the vendor, or Milwaukee County Sheriff's Office Fiscal cannot settle the discrepancy, the Jail Commander shall be notified and the Jail Commander will resolve the discrepancy.

1004.5 INMATE WELFARE PACKS

The Jail Lieutenant or the authorized designee shall monitor the provision of welfare packs to indigent inmates. Welfare packs shall include, but not be limited to:

- (a) Two postage-paid envelopes and paper letters each week to permit correspondence with family members and friends.
- (b) Personal hygiene items, including toothbrush, toothpaste, soap and other supplies deemed to be appropriate for indigent inmates.

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Commissary Services

Library Services

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for providing inmates access to leisure reading materials.

1005.2 POLICY

This facility operates library services that provide leisure reading materials to inmates. The Jail Commander or the authorized designee is responsible for the administration of the library services and should appoint a capable staff member to serve as librarian to run the daily library operation. The library service shall include access to current educational and recreational reading material (Wis. Admin. Code DOC § 350.34).

The librarian shall ensure that reading materials are provided to the general housing units and that any staff member assigned to assist with the delivery of library services has received the appropriate training in facility safety and security practices.

Access to the inmate library or to library materials shall be based upon inmate classification, housing location and other factors that legitimately relate to the safety and security of the facility.

1005.3 LIBRARY MAINTENANCE

The Agency may reject library materials that may compromise the safety, security and discipline in the operation of this facility (see the Inmate Mail Policy for examples of materials that may be rejected).

1005.4 LEISURE LIBRARY MATERIALS

Each inmate is allowed to have no more than two books at any given time. Existing selections must be returned before new books may be selected by an inmate. Inmates who destroy or misuse books and library materials will be subject to disciplinary action and may be required to pay for the material. If staff believes the destruction was intentional, the matter may be referred for criminal prosecution.

1005.5 ACCESS TO LEGAL PUBLICATIONS/LAW LIBRARY

All inmates shall have reasonable access to the legal system, which may include requesting legal reference materials.

Legal information that may be provided through the library includes the Wisconsin Statutes book. Additional material may be made available by request.

Inmates desiring access to the library or legal publications shall submit a completed legal information request to the housing officer. Only one request per inmate per week is allowed unless the inmate is a court ordered pro se. Inmates in disciplinary segregation shall have the same

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Library Services

access to reading materials and legal materials as the general population unless a restriction is directed by the court.

The housing correctional officer will collect completed request forms and deliver them to the librarian. Upon receipt the librarian will time stamp, log and number the request and complete the necessary research to compile the necessary information for the requesting inmate. Records of access to legal references and whether the requests were fulfilled or denied should be documented each day and maintained in the inmate's file in accordance with established records retention schedules.

Pro se inmates may keep minimal supplies for their case in their cells (e.g., paper, letters, reference materials), provided it does not create a fire hazard.

1005.6 ALTERNATE MEANS OF ACCESS TO LEGAL PUBLICATIONS

Nothing in this policy shall confer a right to access to a law library, and unless it is specified by court order, the Sheriff may provide access to the legal system by a variety of means that may include public or private legal research services.

Temporary Release of Inmates

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and requirements for the temporary release of inmates as ordered by a court.

1009.2 POLICY

It is the policy of this agency to release inmates from custody only when it is legal and when it is done in a manner that protects the security of the facility.

1009.3 COURT-ORDERED RELEASES FOR FUNERALS

When the Jail Records Lieutenant receives an order from a court that directs an inmate be allowed to make a funeral visitation, he/she shall contact the inmate's family representative to determine what logistics are involved. The inmate or his/her family shall be responsible for any costs related to the visitation. If it is determined the visitation can occur, the Jail Records Lieutenant shall request the assistance of the Criminal Investigations Division to plan the visit.

The Criminal Investigations Division shall conduct any research necessary to ensure a safe transport and return of the inmate after the visitation. Specific details of the transport should not be provided to the inmate prior to the transport.

When the inmate is released for the visitation, the housing unit officer shall make a notation in the records management system.

The visitation shall be conducted in a private environment controlled by the Milwaukee County Sheriff's Office. There shall be a minimum of three deputies present with the inmate during transport. The inmate shall be restrained at all times, to include handcuffs, ankle restraints, and belly chains. Any Sheriff's Office deputy may cancel the visitation, if the conditions change in any way that may endanger the safety of anyone present or increase the risk of escape.

Space and Environmental Requirements

1100.1 PURPOSE AND SCOPE

This policy describes the desired space and environmental requirements for the physical plant.

1100.2 POLICY

It is the policy of this agency to comply with federal and state laws, codes and correctional standards in matters relating to the jail space and environmental requirements. Any designs for renovations, modifications, additions or new construction within the facility should be in compliance with federal and state laws, codes and jail standards.

Planned designs for renovations, modifications, additions or new construction within the facility should facilitate personal communication with inmates and direct visual observation of all cells, dayrooms and recreation areas. Electronic surveillance may be used to augment the observation of inmates but shall not be used as a substitute for personal communication.

All parts of the facility that are accessible to the public should be accessible to and usable by disabled persons.

1100.3 DETENTION HARDWARE

All locks, detention hardware, fixtures, furnishings and equipment should have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on cell or inmate housing unit doors is generally prohibited, as unauthorized locking mechanisms may pose a significant threat to the safety and security of the facility in the event of an emergency.

1100.4 ENVIRONMENTAL REQUIREMENTS

1100.4.1 LIGHTING LEVELS

Lighting levels shall be adequate for staff and inmates to perform daily activities. Night lighting levels should permit adequate illumination for supervision but should not unnecessarily interfere with the ability of inmates to sleep.

1100.4.2 NATURAL LIGHT

All inmate living areas should provide inmate exposure to natural light, unless prohibited by security concerns.

1100.4.3 NOISE LEVEL

Noise levels at night should be sufficiently low to allow inmates to sleep. Nothing in this policy is intended to limit or impair in any way staff's ability to monitor the jail in a manner that is consistent with safety and security and good correctional practices.

Space and Environmental Requirements

1100.4.4 VENTILATION

Ventilation systems, including those in toilet rooms and cells with toilets, should be sized and calibrated to supply fresh or circulated air in accordance with federal and state laws, codes and jail standards.

Other than an emergency situation, inmates or jail staff shall not adjust or restrict the ventilation systems without the express permission of the supervisor. Any adjustments made to the ventilation system shall only be allowed for the duration of the emergency or until qualified maintenance personnel can adjust or repair the ventilation system.

1100.4.5 TEMPERATURE LEVELS

Temperature and humidity levels should be maintained at a level established by facility maintenance personnel and deemed comfortable and cost efficient.

Temperature readings shall be documented for designated areas of the facility according to the applicable procedure. Staff shall immediately contact facility maintenance in the event that temperatures or humidity levels become uncomfortable.

1100.5 CELL FURNISHINGS

Each inmate housed in this facility shall be provided with the following items:

- A sleeping surface and mattress in accordance with federal and state laws, codes and jail standards
- A storage area for clothing and personal belongings

1100.6 DAYROOMS

Dayrooms should be equipped with at least one shower for every 15 inmates or fraction thereof, and tables and sufficient seating for all inmates at capacity. Where inmates do not have continuous access to their cells, dayrooms should also be equipped with one toilet, an immediate source of fresh potable water and lavatory with hot and cold water.

1100.7 JANITOR CLOSETS

Janitor closets should be located near or inside each housing unit. Each janitor closet should contain a sink and the necessary cleaning implements. Access to the janitor closets shall be controlled and supervised by the staff. Only inmates with the necessary classification status shall be allowed access to the janitor closets, and then only under the supervision of staff.

1100.8 EMERGENCY POWER

The facility shall be equipped with a sufficient emergency power source to operate communications, security and alarm systems in control centers, and emergency lighting in corridors, stairwells, all inmate housing areas, security control points and audio-visual monitoring systems.

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Space and Environmental Requirements

1100.9 DOUBLE CELLING

Double celling may occur with the approval of the Department of Corrections. The County Board and Sheriff shall determine jointly the adequate staffing needs, including support staff and services that are required to ensure the health, safety and security of the jail staff and inmates when using cells for double occupancy. The joint determinations shall be in writing and signed by the representatives of the County Board and the Sheriff and shall be filed with the Department of Corrections. The written joint determination shall remain in effect until rescinded or amended by mutual written agreement of the County Board and Sheriff. Unless there is adequate staff as agreed upon by the County Board and Sheriff, double celling may not occur (Wis. Admin. Code DOC § 350.20).

The Jail Commander shall develop policies and procedures for double celling. Inmates housed in the same cell shall be of the same classification status.

For male and female housing areas, at least one cell or 15% of the jail's total number of cells, whichever is greater, shall be maintained for single occupancy. Receiving cells may not be used for double occupancy (Wis. Admin. Code DOC § 350.20).

1100.10 FACILITY STRUCTURE AND REQUIREMENTS

Facility structures constructed before March 1, 1990 shall comply with the requirements of Wis. Admin. Code DOC § 350.07.

1100.11 NEW CONSTRUCTION AND REMODELING

New construction and remodeling plans shall comply with the requirements of Wis. Admin. Code DOC § 350.04; Wis. Admin. Code DOC § 350.05; and Wis. Admin. Code DOC § 350.06.

Master Control

1102.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for a control center for monitoring and coordinating facility security, safety and communications. This policy addresses staffing, training, communications and monitoring capabilities.

1102.2 POLICY

It is the policy of this agency to maintain a control center, designed as Master Control, which shall be secure and staffed 24 hours each day to monitor and coordinate security, safety and communications.

1102.3 COMMUNICATIONS AND MONITORING CAPABILITIES

Master Control shall have multiple means of direct communication capabilities with all staff control stations in inmate housing areas, including telephone, intercom and radio.

The Master Control staff shall be responsible for monitoring fire, smoke and life safety alarms and shall have the means to summon assistance in the event of an emergency.

Master Control shall be located in close proximity to the inmate living areas to enable staff to monitor and respond quickly to any emergency.

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

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

State of Wisconsin,

County of _____,

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

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

_____ (Signature)

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

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

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

102.3.1 LAW ENFORCEMENT OATH OF HONOR

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

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Oath of Office

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

On my honor,

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

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

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

102.4 MAINTENANCE OF RECORDS

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

Agency Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 AGENCY DIRECTIVE PROTOCOL

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

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

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

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

201.2 RESPONSIBILITIES

201.2.1 SHERIFF OR THE AUTHORIZED DESIGNEE

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

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

201.3 ACCEPTANCE OF AGENCY DIRECTIVE

All employees are required to read and obtain necessary clarification of all Agency Directives. Agency Directives will be assigned to all employees through the Learning Management System (LMS) for distribution.

Law Enforcement Training

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of agency personnel.
- (c) Provide for continued professional development of agency personnel.
- (d) Assist in compliance with statutes, LESB rules and regulations or policy concerning law enforcement training.

203.4 TRAINING PLAN

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

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

Law Enforcement Training

203.4.1 MANDATED TRAINING

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

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

203.4.2 AGENCY TRAINING REQUIREMENTS

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

- (a) Continuity of Operations Plan (COOP) (supervisors and other appropriate personnel yearly), includes:
 - 1. Familiarization with the COOP and the roles agency personnel will play when the plan is activated.
 - 2. A full or partial exercise, tabletop or command staff discussion.
- (b) CPR/First-aid refresher (every two years)
- (c) Handgun qualification yearly
- (d) ECD, impact weapon, chemical weapon or other control devices (yearly)
- (e) All use of force policies (all deputies review yearly)
- (f) Search, seizure and arrest legal updates
- (g) Ethics (all deputies every three years)
- (h) Pursuit and emergency response (every two years)

203.4.3 SPECIALIZED TRAINING

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

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

203.4.4 REMEDIAL TRAINING

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

- (a) Situations under which remedial training shall be administered
- (b) Timeline for completion
- (c) Consequences for failure to successfully complete (e.g., referral to Internal Affairs)

Law Enforcement Training

203.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Training Committee. The training needs assessment report will be provided as needed to the Sheriff or the authorized designee. Upon review and approval by the Sheriff, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING COMMITTEE

The Training Director shall establish a Training Committee, which will serve to assist with identifying training needs for the Agency.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Director may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Sheriff or the authorized designee to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Director. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

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

203.7 TRAINING PROCEDURES

- (a) All deputies assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. Sick leave
 - 3. Physical limitations preventing the deputy's participation

Law Enforcement Training

4. Emergency situations
 - (b) When a deputy is unable to attend mandatory training, that deputy shall:
 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The deputy will also notify the instructor or training facility of his/her absence, as necessary.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Director to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Milwaukee County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Director.

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

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

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

203.9 TRAINING RECORDS

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

203.10 FIELD TRAINING PROGRAM

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

Law Enforcement Officer Safety Act Policy

207.1 PURPOSE AND SCOPE

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

207.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

207.2 POLICY

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

207.3 CERTIFICATION CARD

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

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

207.3.1 FEES

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

207.3.2 CARD REVOCATION

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

207.4 AUTHORITY TO CARRY CONCEALED FIREARM

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

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

- (a) The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)
- (b) State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)
- (c) Self-defense and defense of others (Wis. Stat. § 939.48)
- (d) Defense of property and protection against retail theft (Wis. Stat. § 939.49)
- (e) Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)
- (f) Carrying a firearm in a public building (Wis. Stat. § 941.235)
- (g) Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C).

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

207.5 PROHIBITION

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

207.6 IDENTIFICATION CARDS

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

Budget Management

208.1 PURPOSE AND SCOPE

This policy provides guidelines for department budgeting and accounting.

208.2 POLICY

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

208.3 BUDGET PREPARATION AND MANAGEMENT

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

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

208.3.1 ACCOUNTING

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

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

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

208.4 AUDITS

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

Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

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

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

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300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The behavior of the individual being confronted, as reasonably perceived by the deputy or correctional officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, correctional officers, suspects, and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy or correctional officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the behavior of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy, correctional officer, or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies and correctional officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies and correctional officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

Use of Force

In the instance when force is used, deputies and correctional officers are encouraged to use techniques and methods taught by the Milwaukee County Sheriff's Office for this specific purpose.

300.3.4 PROHIBITION ON NECK RESTRAINTS AND CHOKE-HOLDS

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

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) A deputy or correctional officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy or correctional officer may use deadly force to stop a dangerous fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction of serious bodily injury or death, and the deputy reasonably believes that there is continued significant threat to the public, and the deputy reasonably believes there is no other way to capture the dangerous subject, and only as a last resort. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

300.6 MEDICAL CONSIDERATIONS

As soon as practicable, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, and if appropriate, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Make the appropriate administrative notifications.

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

300.7.1 DIVISIONAL COMMANDER RESPONSIBILITY

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

Use of Force

300.8 REVIEW

This policy shall be made available to the public upon open records request (Wis. Stat. § 66.0511(2)).

300.9 TRAINING

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

300.10 USE OF FORCE ANALYSIS

At least annually, the Internal Affairs Divisional Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

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

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

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

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

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

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300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE AND REPORT WITHOUT RETALIATION

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

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

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The behavior of the individual being confronted, as reasonably perceived by the deputy or correctional officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.

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- (l) Potential for injury to deputies, correctional officers, suspects, and others.
- (m) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy or correctional officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (p) Whether the behavior of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy, correctional officer, or others.
- (q) Prior contacts with the subject or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.4 PROHIBITION ON NECK RESTRAINTS AND CHOKE-HOLDS

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

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, and if appropriate, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Make the appropriate administrative notifications.

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

300.7.1 DIVISIONAL COMMANDER RESPONSIBILITY

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

300.8 POLICY AVAILABILITY

This policy shall be made available to the public upon open records request (Wis. Stat. § 66.0511(2)).

300.9 TRAINING

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

Use of Force

300.10 USE OF FORCE ANALYSIS

At least annually, the Internal Affairs Divisional Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force Review Board – Critical Incident

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Milwaukee County Sheriff's Office to review the use of force by its employees during the George Floyd 2020 Protests.

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

301.2 POLICY

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

301.4 REVIEW BOARD

The Sheriff or his designee has requested this Use of Force Review Board to investigate the circumstances surrounding any use of force incident during the George Floyd 2020 Protests.

The Sheriff or his designee will convene this Use of Force Review Board as necessary. The members of the Chief Legal and Compliance Office will serve as non-voting chairpersons.

The involved employee's Divisional Commander or supervisor will also ensure that all relevant reports, documents, videos, and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Sheriff or his designee has selected five Use of Force Review Board members including:

- Training Director
- Internal Affairs Captain
- SWAT Team leader
- MRT Command Representative
- Agency Instructor for the type of weapon, device or technique used
- A supervisor from a different division not directly involved in field operations

301.4.2 RESPONSIBILITIES OF THE BOARD

This Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of any George Floyd 2020 Protest-incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative with them when they appear.

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Use of Force Review Board – Critical Incident Policy

After investigation, when appropriate, the board may refer matters to Internal Affairs. However, the board will not have the authority to make any recommendation as to discipline.

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

The review shall be based upon the facts and circumstances of each particular incident. The board shall consider the severity of the crime at issue, whether the suspect posed an immediate threat to the safety of the deputy or others, and whether the individual is actively resisting arrest or attempting to evade flight. The reasonableness of the deputy's actions will be assessed based on the perspective of a reasonable officer in the circumstances. (*Graham v. Connor*, 490 U.S. 386, 396 (1989)). The board will consider those facts which were reasonably believed, known by the deputy at the time of the incident, or should have been known, applying any legal requirements, agency policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the agency's disciplinary procedures, Internal Affairs Policy (108.00), the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) Whether the use of force was reasonable given the circumstances.
- (b) Whether the employee's actions were in violation of agency policy and procedure.
- (c) Findings and recommendations as deemed necessary.

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

The Sheriff or designee shall review the recommendation, and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Divisional Commander for review and appropriate action, as needed. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be submitted to the Internal Affairs Division and the records shall be maintained in a manner consistent with Wisconsin Public Records Laws.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

Handcuffing and Restraints

302.3.3 RESTRAINT OF JUVENILES

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

302.3.4 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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

Handcuffing and Restraints

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
- (d) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

302.8 REQUIRED DOCUMENTATION

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

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

302.9 TRAINING

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

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 INVENTORY RESPONSIBILITIES

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

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

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

303.4.2 USER RESPONSIBILITIES

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

Control Devices and Techniques

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

303.5 BATON GUIDELINES

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

303.6 CHEMICAL IRRITANT GUIDELINES

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

Control Devices and Techniques

303.9.1 DEPLOYMENT AND USE

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

Control Devices and Techniques

303.9.3 SAFETY PROCEDURES

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

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

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

303.10 TRAINING FOR CONTROL DEVICES

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

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and/or will be subject to discipline up to and including discharge.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Electronic Control Devices

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING ECDS

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

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

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

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

- (a) Whenever practicable, deputies should carry two cartridges on their person when carrying the ECD.
- (b) Deputies shall be responsible for ensuring that their issued ECD is properly maintained and in good working order.
- (c) Deputies should not hold both a firearm and the ECD at the same time.

304.4 VERBAL AND VISUAL WARNINGS

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

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the ECD may be deployed.

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

304.5 USE OF THE ECD

304.5.1 APPLICATION OF THE ECD

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

Electronic Control Devices

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE ECD

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

Electronic Control Devices

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

304.5.6 DANGEROUS ANIMALS

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

304.6 DOCUMENTATION

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

304.7 MEDICAL TREATMENT

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

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

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

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

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

304.8 TRAINING

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

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307.1 PURPOSE AND SCOPE

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

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

307.1.1 PHILOSOPHY

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

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

307.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

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

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

307.3 DEPUTY RESPONSIBILITIES

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

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

307.3.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected offense and its relationship to community safety. Absent reasonable suspicion to the contrary; fleeing offenders should be treated as a traffic violator only.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

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- (f) The pursuing deputy's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources.
- (l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies.

A deputy shall not engage in a pursuit when:

- (a) A prisoner is in the vehicle.
- (b) Any non-sworn passenger has not signed a waiver.
- (c) The deputy is operating a motorcycle.
- (d) He/she is operating the wrong way on a freeway, interstate, or highway, or on any divided roadway.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

- (a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The deputy's unfamiliarity with the immediate area or the direction of travel.
- (c) The pursued vehicle's location is no longer definitely known.
- (d) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive. The communication equipment fails or is out of range and it is unsafe to continue the pursuit.
- (e) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (f) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

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- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other deputy is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

When a deputy determines he/she shall terminate a pursuit or when ordered to terminate a pursuit by a supervisor, the deputy shall:

- (a) Notify Milwaukee County 911 Communications Division of the decision to terminate and the location.
- (b) Reduce his/her speed to the posted limit.
- (c) Turn off all emergency equipment.
- (d) Pull over and stop briefly. This is to make it clear to the public that there is no longer a pursuit.
- (e) Continue along the suspect's last known direction of travel to check for any crashes or other incidents.

307.4 PURSUIT UNITS

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

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

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle.

The primary unit should notify Milwaukee County 911 Communications Division, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.

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- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.4.4 TACTICS FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route.

A supervisor may authorize a deputy to trail a pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Upon becoming aware of a pursuit, immediately notifying involved deputies and Milwaukee County 911 Communications Division of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established agency guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

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- (g) Control and manage MCSO units when a pursuit enters another jurisdiction.
- (h) Preparing a post-pursuit critique and analysis of the pursuit.
- (i) Review all pertinent reports for content and forward them to the Divisional Commander.

307.6 COMMUNICATIONS

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

307.7 INTERJURISDICTIONAL CONSIDERATIONS

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace officers from the initiating and other involved agencies including, but not limited to, scene

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control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, boxing-in, PIT, ramming or roadblock procedures.

307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics may require supervisor approval, unless exigent circumstances exist. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

307.8.2 USE OF FIREARMS

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

307.8.3 INTERVENTION STANDARDS

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

- (a) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to deputies, the public and occupants of the pursued vehicle. This tactic shall only be used if the suspect vehicle is traveling 35 miles per hour or less. If the vehicle is traveling faster than 35 miles per hour, this tactic will be considered deadly force.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the criteria for deadly force must exist.
- (c) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

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- (d) Tire deflation devices should be deployed according to training and procedure. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. The suspect vehicle shall be taken into consideration when determining if tire deflation devices are appropriate. Tire deflation devices shall not be used on a motorcycle.
- (e) The use of roadblocks shall be considered deadly force. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

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

307.9 REPORTING AND REVIEW REQUIREMENTS

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

- (a) The primary deputy shall complete appropriate crime/arrest reports.
- (b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall make proper notifications as described in the Major Incident Notification Policy.
- (d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Sheriff or the authorized designee shall direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- (f) The supervisor reviewing a pursuit report shall ensure the report is submitted to Wisconsin State Patrol/Department of Transportation (Wis. Stat. § 85.07(8)(b)).

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

Domestic Abuse

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this agency to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders issued by a court related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Milwaukee County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic abuse cases puts deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise reasonable care for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) Deputies should complete the Domestic Violence Lethality Screen For Law Enforcement Form with any identified victim.
- (h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (j) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (k) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

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310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information on the CR215 form to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.4.3 LAW-ENFORCEMENT-INVOLVED DOMESTIC VIOLENCE

When responding to domestic abuse incidents involving law enforcement officers, the following procedures should be followed:

- (a) Once deputies arrive on scene of a domestic abuse incident involving a law enforcement officer, the deputy should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.
- (b) A supervisor of higher rank than the involved officer shall respond to the scene.
- (c) The supervisor responding to the scene shall make notification to the agency Shift Commander, as soon as possible. In turn, the Shift Commander will brief the Sheriff of the authorized designee regarding the early investigative findings.
- (d) The Internal Affairs Division shall be notified regarding any agency member involved domestic violence investigations. If authorized based on agency protocol, the Internal Affairs Division will conduct a separate workplace administrative investigation. The conduct of any agency employee shall comply with all existing Sheriff's Office rules, regulations, policies, procedures, and training.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the agency's domestic abuse information handout, even if the incident may not rise to the level of crime.

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1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.

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- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

- (a) Deputies with reasonable grounds to believe a person is committing or has committed within the last 28 days, an act of domestic abuse, and the actions constitute a crime, shall arrest the person unless a supervisor grants an exception because any of the following apply (Wis. Stat. § 968.075(2)):
 - 1. There is no reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
 - 2. There is no evidence of physical injury to the alleged victim.
 - 3. No involved person subject to arrest was a predominant aggressor.
- (b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating deputy should only arrest the predominant aggressor. The deputy shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):
 - (a) The history of domestic abuse between the parties, if it can be reasonably ascertained by the deputy, and any information provided by witnesses regarding that history.
 - (b) Statements made by witnesses.
 - (c) The relative degree of injury inflicted on the parties.
 - (d) The extent to which each person present appears to fear any party.
 - (e) Whether any party is threatening or has threatened future harm against another party or another family or household member.
 - (f) Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48.
- (c) A deputy shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Nor may a deputy release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

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- (d) A deputy with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).
 - 1. If a deputy reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the deputy should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).
- (e) A deputy shall arrest and take a person into custody if the deputy has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

310.9.2 REPORTS AND RECORDS

A deputy who does not make an arrest when he/she has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The deputy will ensure the report is sent to the appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075 (4)).

310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Milwaukee County Sheriff's Office releasing a person arrested for domestic abuse shall inform the arrested person orally and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that he/she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody.

Domestic Abuse

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this agency to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders issued by a court related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Milwaukee County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic abuse cases puts deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise reasonable care for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent, or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) Deputies should complete the Domestic Violence Lethality Screen For Law Enforcement Form with any identified victim.
- (h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (j) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (k) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

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310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information on the CR215 form to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.4.3 LAW-ENFORCEMENT-INVOLVED DOMESTIC VIOLENCE

When responding to domestic abuse incidents involving law enforcement officers, the following procedures should be followed:

- (a) Once deputies arrive on scene of a domestic abuse incident involving a law enforcement officer, the deputy should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.
- (b) A supervisor of higher rank than the involved officer shall respond to the scene.
- (c) The supervisor responding to the scene shall make notification to the agency Shift Commander, as soon as possible. In turn, the Shift Commander will brief the Sheriff of the authorized designee regarding the early investigative findings.
- (d) The Internal Affairs Division shall be notified regarding any agency member involved domestic violence investigations. If authorized based on agency protocol, the Internal Affairs Division will conduct a separate workplace administrative investigation. The conduct of any agency employee shall comply with all existing Sheriff's Office rules, regulations, policies, procedures, and training.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the agency's domestic abuse information handout, even if the incident may not rise to the level of crime.

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1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.

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- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

- (a) Deputies with reasonable grounds to believe a person is committing or has committed within the last 28 days, an act of domestic abuse, and the actions constitute a crime, shall arrest the person unless a supervisor grants an exception because any of the following apply (Wis. Stat. § 968.075(2)):
 - 1. There is no reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
 - 2. There is no evidence of physical injury to the alleged victim.
 - 3. No involved person subject to arrest was a predominant aggressor.
- (b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating deputy should only arrest the predominant aggressor. The deputy shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):
 - (a) The history of domestic abuse between the parties, if it can be reasonably ascertained by the deputy, and any information provided by witnesses regarding that history.
 - (b) Statements made by witnesses.
 - (c) The relative degree of injury inflicted on the parties.
 - (d) The extent to which each person present appears to fear any party.
 - (e) Whether any party is threatening or has threatened future harm against another party or another family or household member.
 - (f) Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48.
- (c) A deputy shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Nor may a deputy release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

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- (d) A deputy with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).
 - 1. If a deputy reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the deputy should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).
- (e) A deputy shall arrest and take a person into custody if the deputy has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

310.9.2 REPORTS AND RECORDS

A deputy who does not make an arrest when he/she has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The deputy will ensure the report is sent to the appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075 (4)).

310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Milwaukee County Sheriff's Office releasing a person arrested for domestic abuse shall inform the arrested person orally and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that he/she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody.

Domestic Abuse

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic abuse through vigorous enforcement and to address domestic abuse as a serious crime against society. The policy specifically addresses the commitment of this agency to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic abuse.

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Definitions related to this policy include:

Court order - All forms of orders issued by a court related to domestic abuse, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Milwaukee County Sheriff's Office's response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

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310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic abuse cases:

- (a) Calls of reported, threatened, imminent, or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Division in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) Deputies should complete the Domestic Violence Lethality Screen For Law Enforcement Form with any identified victim.
- (h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (j) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (k) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

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Domestic Abuse

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information on the CR215 form to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.4.3 LAW-ENFORCEMENT-INVOLVED DOMESTIC VIOLENCE

When responding to domestic abuse incidents involving law enforcement officers, the following procedures should be followed:

- (a) Once deputies arrive on scene of a domestic abuse incident involving a law enforcement officer, the deputy should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.
- (b) A supervisor of higher rank than the involved officer shall respond to the scene.
- (c) The supervisor responding to the scene shall make notification to the agency Shift Commander, as soon as possible. In turn, the Shift Commander will brief the Sheriff of the authorized designee regarding the early investigative findings.
- (d) The Internal Affairs Division shall be notified regarding any agency member involved domestic violence investigations. If authorized based on agency protocol, the Internal Affairs Division will conduct a separate workplace administrative investigation. The conduct of any agency employee shall comply with all existing Sheriff's Office rules, regulations, policies, procedures, and training.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the agency's domestic abuse information handout, even if the incident may not rise to the level of crime.

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1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.

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- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic abuse report should consider the following:

- (a) Deputies with reasonable grounds to believe a person is committing or has committed within the last 28 days, an act of domestic abuse, and the actions constitute a crime, shall arrest the person unless a supervisor grants an exception because any of the following apply (Wis. Stat. § 968.075(2)):
 - 1. There is no reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
 - 2. There is no evidence of physical injury to the alleged victim.
 - 3. No involved person subject to arrest was a predominant aggressor.
- (b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating deputy should only arrest the predominant aggressor. The deputy shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):
 - (a) The history of domestic abuse between the parties, if it can be reasonably ascertained by the deputy, and any information provided by witnesses regarding that history.
 - (b) Statements made by witnesses.
 - (c) The relative degree of injury inflicted on the parties.
 - (d) The extent to which each person present appears to fear any party.
 - (e) Whether any party is threatening or has threatened future harm against another party or another family or household member.
 - (f) Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48.
- (c) A deputy shall not issue a citation to a person arrested for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Nor may a deputy release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

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- (d) A deputy with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).
 - 1. If a deputy reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the deputy should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).
- (e) A deputy shall arrest and take a person into custody if the deputy has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

310.9.2 REPORTS AND RECORDS

A deputy who does not make an arrest when he/she has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The deputy will ensure the report is sent to the appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075 (4)).

310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Milwaukee County Sheriff's Office releasing a person arrested for domestic abuse shall inform the arrested person orally and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that he/she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody prior to 72 hours from the time of his/her arrest (Wis. Stat. §968.075(5)(b)1

Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care.

313.2 POLICY

The Milwaukee County Sheriff's Office will investigate all reported incidents of alleged adult abuse within its jurisdiction and/or refer to the appropriate local police agency as needed and ensure proper reporting and notification as required by law.

313.3 NOTIFICATION

Members of the Milwaukee County Sheriff's Office should notify the appropriate county elder-adult/adult-at-risk agency when a deputy takes a report of adult abuse of an elder at risk or adult at risk.

For purposes of notification, an "elder adult at risk" is any person who is 60 years of age or older who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 46.90(1)(br)). An "adult at risk" is any adult 18 years of age or older who has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs, and who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 55.01(1)(1e)).

Members should immediately notify the Wisconsin Department of Health Services Division of Quality Assurance, Office of Caregiver Quality regarding an adult who was abused in a care facility or while under the care of a facility.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.5.1 REQUEST FOR ASSISTANCE

If requested, a member shall accompany an investigator or worker of an elder-adult-at-risk agency or an adult-at-risk agency during visits to a residence of a victim and provide assistance as requested or necessary when (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)):

- (a) The investigator or worker is investigating suspected abuse, neglect, self-neglect or financial exploitation.
- (b) The victim is 60 years of age or older or is 18 years of age or older and has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs.

The identity of the requesting investigator/worker should be documented.

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313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact the appropriate county elder-adult/adult-at-risk agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this agency should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to the appropriate county elder-adult/adult-at-risk agency.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including the appropriate county elder-adult/adult-at-risk agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Criminal Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

313.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Division supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

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313.10.1 OPEN RECORDS UNIT RESPONSIBILITIES

Open Records is responsible for:

- (a) Providing a copy of the adult abuse report to the appropriate county elder-adult/adult-at-risk agency as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

313.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

313.10.3 RESTRAINING ORDER

When a deputy reasonably believes that an elder adult or adult at risk is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy should contact the appropriate county elder-adult/adult-at-risk agency and request that they obtain a restraining order against the person alleged to have committed or threatened such abuse, if that person is not in custody (Wis. Stat. § 813.123).

If the appropriate county elder-adult/adult-at-risk agency is unwilling or unable to obtain a restraining order, the handling deputy may attempt to obtain the restraining order on the victim's behalf. Action taken by the deputy should be documented in any related report.

313.11 TRAINING

The Agency should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for his/her chronological age and developmental stage.
 - 2. Mentally or behaviorally disabled.
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 - 5. In a life-threatening situation.
 - 6. In the company of others who could endanger his/her welfare.
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Are adults with a developmental disability, suffer from Alzheimer's disease or dementia, or suffer from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the person incapable of getting to a familiar location without assistance (Wis. Stat. § 175.51).
- (d) Are veterans or active-duty members of the military and there is reason to believe that they are at risk due to a physical or mental health condition, and a report was made within 72 hours of their disappearance (Wis. Stat. § 175.51).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

Missing Persons

316.2 POLICY

The Milwaukee County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- Report requirements as provided in Wis. Stat. § 165.785
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:

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1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly submitted electronically.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.

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- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 ADDITIONAL RESPONSIBILITIES

When determined necessary by a supervisor, the assigned member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Criminal Investigations Division.
- (e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 CRIMINAL INVESTIGATIONS DIVISION FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified as soon as practicable (taking into consideration the nature of the investigation) if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

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- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photographs, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults ® and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The assigned investigator should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Agency members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.

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- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Criminal Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Milwaukee County or this agency is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this agency is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Training Director should ensure that members of this agency whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of agency members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.

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- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cellular phone use).
- (n) Media relations.

Bias-Motivated Crimes

319.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this agency will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.2 DEFINITIONS

Definitions related to this policy include:

Bias-motivated crime - Willfully committing a crime against another because the actual or perceived race, color, religion, national origin or ancestry, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

319.3 CRIMINAL STATUTES

When conducting a criminal investigation, refer to the following for additional guidance:

- (a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:
 - 1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
 - 2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
 - 3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
 - 4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.
- (b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.
- (c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

Bias-Motivated Crimes

319.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about bias-motivated crime laws.

319.5 LEAD RESPONSIBILITIES

LEAD shall submit all state and federal reporting requirements of bias-motivated crimes (28 USC § 534(a)).

319.6 TRAINING

All deputies of this agency shall receive training on bias-motivated crime recognition and investigation.

Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by Milwaukee County that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the County or county funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

321.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the County in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received, or reviewed on any county computer system.

The County reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the County, including the county email system, computer network, and/or any information placed into storage on any county system or device. This includes records of all keystrokes or Web-browsing history made at any county computer or over any county network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through county computers, electronic devices, or networks.

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The County will not request or require, as a condition of employment, that employees disclose access information for their personal Internet accounts or otherwise grant access to, or allow observation of, those accounts unless specifically permitted to do so under federal or Wisconsin law (Wis. Stat. § 995.55).

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any county computer. Members shall not install personal copies of any software onto any county computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the Information Management Services Division (IMSD) and with the authorization of the Criminal Investigation Division supervisor or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the County while on county premises, computer systems or electronic devices. Such unauthorized use of software exposes the County and involved members to severe civil and criminal penalties.

Introduction of software should only occur as part of the automated maintenance or update process of County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IMSD and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the County shall be strictly limited to county-related activities.

321.4.3 INTERNET USE

Internet access provided by or through the County shall be strictly limited to county-related activities. Internet sites containing information that is not appropriate or applicable to county use and which shall not be intentionally accessed include, but are not limited to, adult forums,

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pornography, gambling, chat rooms, discriminatory, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of the designated supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the County while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access county resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally-owned technology.

321.5 PROTECTION OF COUNTY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure county computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IMSD.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION OR REVIEW

Reasons for inspection or review of the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof may include, but are not limited to, routine supervisory inspection or inspection based on cause, computer system malfunctions, problems or general computer system failure, a lawsuit against the County involving one of its members or a member's duties, an alleged or suspected violation of any agency or county policy, a request for disclosure of data, or a need to perform or provide a service.

IMSD staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the county computer system when requested by a supervisor or during the course of regular duties that require such information.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official agency information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, the authorized designees of the Sheriff may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of agency members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the Director of Public Affairs and Community Engagement, or if unavailable, to the on-duty Public Information Officer or, depending on the time of day, the on-duty Field Inspections Captain or divisional commander, in that order. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this agency make any comment or release any official information to the media without prior approval from the designated supervisor or Public Information Officer having sufficient authority to approve such comment or release of information.

Media Relations

- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.
- (c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement incident not involving this agency without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

323.6 ACCESS

Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.

Access by the media is subject to the following conditions:

- (a) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express written consent of the person in custody.
- (b) No member of this agency who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

323.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Agency members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

323.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

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323.7.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

323.8 RELEASE OF INFORMATION

The Agency may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the agency website or other electronic data sources.

323.8.1 INFORMATION LOG

The Agency will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this agency, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated agency media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the Milwaukee County Sheriff's Office to cover any related work absences and keep the Agency informed about relevant legal matters.

324.2 POLICY

Milwaukee County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of this agency or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

- (a) Personally serving a copy of the subpoena to the member.
- (b) Delivering a copy to the member's usual place of residency.
- (c) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this agency as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06). Any received fees should be forwarded to Fiscal.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Milwaukee County Corporation Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Milwaukee County Sheriff's Office.

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- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Milwaukee County Sheriff's Office.

The supervisor will then notify the Sheriff (through the chain of command) and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Agency will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the agency uniform (i.e., Class B uniform with long-sleeve shirt and tie) or business attire (if applicable for assignment).
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member should request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this agency.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander or an on-duty supervisor for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests (Wis. Stat. § 66.0313; Wis. Stat. § 175.46).

When another law enforcement agency requests assistance from this agency, if available, the Shift Commander may authorize an appropriate number of personnel to assist.

Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

Arrestees may be temporarily detained by this agency until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this agency will not ordinarily be booked at this agency. Only in exceptional circumstances, and subject to supervisor approval, will this agency provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 MUTUAL AID AGREEMENTS

The Agency may, at the discretion of the Sheriff, enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement may authorize the following (Wis. Stat. § 175.46):

- (a) Law enforcement officers from another agency may act with some or all of the arrest and other police authority of a deputy of this agency (Wis. Stat. § 175.46(2)).
- (b) Law enforcement officers from another agency may enforce and make arrests for violations of only those laws that are similar to the types of laws they are authorized to enforce and make arrests for violations of in their home jurisdiction (Wis. Stat. § 175.46(4)).

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Any mutual aid agreement should be written and may be on an individual case-by-case basis or may be a continuing agreement until terminated by either agency. At least 30 days prior to entering into a mutual aid agreement, this agency shall submit a copy of the initial proposed agreement to the Wisconsin Department of Justice (WisDOJ) for review and comment. (Wis. Stat. § 175.46(3); Wis. Stat. § 175.46(8)).

325.3.2 COUNTY-WIDE LAW ENFORCEMENT AUTHORITY

Deputies may arrest a person anywhere within the local county provided that the deputy (Wis. Stat. § 175.40(5)(d)):

- (a) Completes investigations and documentation as otherwise required by this agency.
- (b) Makes arrests for crimes, either observed or not observed, and completes documentation as otherwise required by this agency.
- (c) Notifies and cooperates with the agency having jurisdiction over the area of such an investigation and arrest.

325.3.3 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Milwaukee County Sheriff's Office should notify the local law enforcement agency of the county or municipality where the violation occurs, cooperate with that agency as necessary, and notify his/her supervisor or the Shift Commander and Milwaukee County OEM 911 Communications Division as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management and control.
- Detect the presence of dangerous conditions or hazardous materials.

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- Begin identification of dangerous conditions or hazardous materials (may use the most current Emergency Response Guidebook published by the U.S. Department of Transportation).
- Isolate the incident and identify zones of danger and activity.
- Contain the incident without risking unnecessary exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Continuity of Operations Plan (COOP).
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Contact the local Wisconsin State Patrol and request support if it occurs on any federal, state or county highway located outside of this agency's jurisdiction.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this agency should clarify whether it is requesting assistance only or complete scene management.

325.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the assigned Divisional Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members training in the use of the supplies and equipment.
- (c) Copies of the documentation should be provided to the Shift Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Director should maintain documentation that the appropriate members have received the required training.

325.7 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Milwaukee County Sheriff's Office will accommodate obtaining fingerprints, a recent photograph, and other information that may be required by the Wisconsin Department of Corrections as well as any face-to-face contact requirements for registrants who are on supervision.

326.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to identify registered offenders living within this jurisdiction.

326.3 REGISTRATION AND CONTACT

The Jail Records supervisor shall establish a process to reasonably accommodate obtaining fingerprints, a recent photograph and other information that may be required by the Wisconsin Department of Corrections (WisDOC) as well as any face-to-face contact requirements for registrants who are on supervision (Wis. Stat. § 301.45(2)(f)). The process should rebut any allegation on the part of the offender that the process was too confusing, burdensome or difficult for compliance. Employees assigned to meet with these offenders should receive appropriate training regarding the process.

Upon conclusion of the process, the Jail Records supervisor shall ensure that the information is provided to WisDOC.

The Jail Records supervisor shall ensure WisDOC is notified if a registrant refuses to provide any of the required registration information or complete the registration process.

326.4 DISSEMINATION OF PUBLIC INFORMATION

Members of the public requesting information on registrants should be provided the Wisconsin Sex Offender Registry Web site or the Milwaukee County Sheriff's Office's website.

The Public Records Unit supervisor shall release local registered offender information to residents in accordance with Wis. Stat. § 301.46 and in compliance with a Wisconsin Public Records Law request.

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this agency in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Milwaukee County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this agency to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Divisional Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths, or deaths related to law enforcement activity
- Traffic crash with fatalities
- Officer-involved shooting, whether on- or off-duty (See the Officer-Involved Shootings and Deaths Policy)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Milwaukee official
- Arrest of agency employee or prominent Milwaukee official
- Aircraft, train, boat, or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- A crash involving an agency vehicle
- Full freeway closure
- An arrest of an adult with children present
- Any use of force incident
- Any other incident, which has or is likely to attract significant media attention

327.4 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander is responsible for making the appropriate notification.

327.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the on-call Criminal Investigations Division supervisor shall be contacted.

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327.4.2 PUBLIC INFORMATION OFFICER

The Public Information Officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

Identity Theft

328.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

328.2 REPORTING

- (a) To maintain uniformity in reporting, deputies shall initiate a report for victims residing within the jurisdiction of this agency when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following (Wis. Stat. § 943.201(4)):
 - 1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim shall be informed which law enforcement agency may have jurisdiction. The victim should be encouraged to promptly report the identity theft to the appropriate law enforcement agency.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this agency should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (e) Following supervisory review and Agency processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

328.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law.

The victim may file an identity theft complaint with the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Privacy Protection (OPP) at 800-422-7128, www.privacy.wi.gov , or e-mail at wisconsinprivacy@dacp.state.wi.us .

328.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption

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Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or the FBI at <http://www.fbi.gov/milwaukee> .

Chaplains

333.1 PURPOSE AND SCOPE

This policy establishes uniform guidelines for Milwaukee County Sheriff's Office chaplains to provide counseling or emotional support to members of the Agency, their families and members of the public.

333.2 POLICY

The Milwaukee County Sheriff's Office shall ensure that Agency chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

333.3 ELIGIBILITY

Requirements for participation as a chaplain for the Agency may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, and free from personal or professional circumstances inconducive to service in a position of trust.
- (b) Having a good reputation in the community.
- (c) Successful completion of an appropriate-level background investigation.
- (d) A minimum of five years of successful experience in duties similar or substantially related to those performed by Agency chaplains.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

333.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The Milwaukee County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this agency.

All applicants shall be required to meet and pass appropriate pre-employment procedures as if seeking paid employment in the Agency.

333.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public.

333.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.

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- (c) Interview with the Sheriff (or designee) and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment.

333.5 IDENTIFICATION AND APPEARANCE

As representatives of the Agency, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Appropriate equipment and identification materials will be provided for each chaplain.

Chaplains will be issued Milwaukee County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Milwaukee County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or agency property at the termination of service.

Chaplains shall conform to all regulations and appearance standards of this agency.

333.6 CHAPLAIN COORDINATOR

The Sheriff may delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by the Chief Deputy and directly responsible to the Director of Public Affairs and Community Engagement or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and Milwaukee County Sheriff's Office administration. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Agency, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or appropriate coordinating or supervisory personnel.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

333.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Agency, its members and the community, as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Agency.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Agency or the public into a religious affiliation while representing themselves as chaplains with this agency. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Milwaukee County Sheriff's Office.

333.7.1 COMPLIANCE

Chaplains are volunteer members of this agency, and except as otherwise specified within this policy, are required to comply with county and agency policies governing volunteer activities and other applicable policies.

333.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Milwaukee County Sheriff's Office personnel a minimum of eight hours per month.
- (c) Chaplains shall not be evaluators of members of the agency.
- (d) In responding to incidents, a chaplain shall never function as a deputy, nor shall a chaplain function as a correctional officer in the Milwaukee County Jail.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Milwaukee County Sheriff's Office while acting in the capacity of agency chaplain, unless otherwise authorized by the Sheriff or the authorized designee.
- (g) Each chaplain may be provided with limited access to current agency member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties, as deemed necessary and appropriate by the Sheriff or

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the authorized designee. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data. Failure to maintain the confidentiality of such information will result, at minimum, in the termination of a chaplain's relationship with the Milwaukee County Sheriff's Office.

333.7.3 ASSISTING AGENCY MEMBERS

The responsibilities of a chaplain related to agency members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

333.7.4 ASSISTING THE AGENCY

The responsibilities of a chaplain related to this agency include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that, in the judgment of the Shift Commander or supervisor, aids in accomplishing the mission of the Agency.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents, as deemed necessary and appropriate by the incident commander or executive personnel.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of agency members, as deemed necessary and appropriate by the incident commander or executive personnel.
- (e) Attending agency and academy graduations, ceremonies and events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Agency.

333.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community, consistent with the activities of the Office of Public Affairs and Community Engagement.

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- (b) Providing an additional link between the community, other chaplain coordinators and the Agency.
- (c) Providing liaison with various civic, business and religious organizations, consistent with the activities of the Office of Public Affairs and Community Engagement.
- (d) Promptly facilitating requests for representatives or leaders of various denominations, with the approval of the chaplain coordinator.
- (e) Assisting the community in any other function as needed or requested, as deemed necessary and appropriate by appropriate supervisory personnel.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

333.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

333.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Agency may work or volunteer for the Milwaukee County Sheriff's Office in any capacity other than that of chaplain, absent an exception provided by the Office of Legal Affairs and Compliance. No chaplain shall provide volunteer services to incarcerated persons in the custody of the Milwaukee County Sheriff's Office.

Agency chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-agency counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Milwaukee County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

333.9 TRAINING

The Agency will establish a minimum number of training hours and standards for agency chaplains. The training, as approved by the Training Director, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics

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- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this agency.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse Policies.

335.2 POLICY

It is the policy of this agency to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Milwaukee County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. If deputies become aware the arrestee has any children or dependent adults who are without appropriate supervision, the following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

335.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Deputies may consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with a non-arrested parent, guardian or caregiver.
 - 2. If a child is involved, a deputy shall contact the appropriate child welfare department to get permission before turning the child over to another adult.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the appropriate Aging and Disability Resource Center, if appropriate.
- (e) Notify the field supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and that arrangements should be made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee may be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Child and Dependent Adult Safety

335.3.3 REPORTING

- (a) For all arrests of a parent where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information about the dependent adult:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

335.4 DEPENDENT WELFARE SERVICES

The appropriate welfare service or other agency-approved social service will determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

335.5 TRAINING

The Training Director is responsible to ensure that all members of this agency who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

336.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Milwaukee County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

336.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

336.2.1 STATE LAW

Any other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items is a service animal in accordance with Wis. Stat. § 106.52(1)(fm).

336.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

Service Animals

336.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Agency members are expected to treat individuals with service animals with the same courtesy and respect that the Milwaukee County Sheriff's Office affords to all members of the public (Wis. Stat. § 106.52(3)(am)).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. A barking dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this agency are expected to provide all services as are reasonably available to an individual with the disability (Wis. Stat. § 106.52(3)(am)(3)).

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy may ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Agency members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this agency should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Milwaukee County Office for Persons with Disabilities, the Civil Rights Division of the U.S. Department of Justice, or the Wisconsin Department of Workforce Development's Equal Rights Division.

Native American Graves Protection and Repatriation

337.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

337.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

337.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

337.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Wisconsin Historical Society or, when appropriate, the Medical Examiner (Wis. Stat. § 157.70; Wis. Stat. § 979.01)
- Tribal land - Responsible Indian tribal official

337.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Milwaukee County Sheriff's Office with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

338.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and a deputy's authority is limited by the State of Wisconsin. Deputies, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

338.2.1 OFF-DUTY LIMITATIONS

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this agency may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

- (a) A deputy becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.
- (b) The deputy is taking action that would be authorized by the policies of the Milwaukee County Sheriff's Office.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this agency is not used or disclosed.

338.3 FIREARMS

Deputies of this agency may carry firearms while off-duty in accordance with federal regulations, state law and agency policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their agency-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the deputy's senses or judgment.

Off-Duty Law Enforcement Actions

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies who are authorized by law decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Milwaukee County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

338.4.3 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

338.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally, the employee shall contact the on-duty supervisor (Wis. Stat. § 175.40(6m)(a)(3)(c)). The notified

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Off-Duty Law Enforcement Actions

supervisor shall advise the Shift Commander of any reported off-duty law enforcement action as soon as practicable. The Shift Commander will determine whether to send a supervisor to the scene and whether a report should be completed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

Agency Use of Social Media

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Agency is consistent with the agency mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by agency members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this agency (see the Investigation and Prosecution Policy).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the agency website or social networking services.

339.2 POLICY

The Milwaukee County Sheriff's Office may use social media as a method of effectively informing the public about agency services, issues, investigations and other relevant events.

Agency members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

339.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Agency. Authorized members shall use only agency-approved equipment during the normal course of duties to post and monitor agency-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over agency social media by members who are not authorized to post should be made through the member's chain of command.

339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the agency mission and conforms to all agency policies regarding the release of information may be posted.

Agency Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the agency mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

339.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

339.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Milwaukee County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of agency operations, members of the Agency, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this agency's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

339.5.1 PUBLIC POSTING PROHIBITED

Agency social media sites shall be designed and maintained to prevent posting of content by the public.

The Agency may provide a method for members of the public to contact agency members directly.

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Agency Use of Social Media

339.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of agency social media sites or platforms and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

339.7 RETENTION OF RECORDS

The Administration Divisional Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

339.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on agency sites.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Milwaukee County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Milwaukee County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Academy.

Roll Call

402.1 PURPOSE AND SCOPE

Roll Call is generally conducted at the beginning of the deputy's or correctional officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call. However, deputies or correctional officers may conduct roll call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, certain basic tasks, including:

- (a) Ensure that scheduled members are present, prepared for duty.
- (b) Briefing deputies and correctional officers with information regarding daily activities, with particular attention given to unusual situations and changes in the status of persons of interest, recent criminal activities and major investigations.
- (c) Notifying deputies and correctional officer of their daily assignments.
- (d) Notifying deputies and correctional officers of changes in schedules and assignments.
- (e) Notifying deputies and correctional officers of new Agency Directives or changes in Agency Directives.
- (f) Reviewing recent incidents for training purposes.
- (g) Providing training on a variety of subjects.

402.3 PREPARATION OF MATERIALS

The supervisor conducting roll call, or the deputy or correctional officer if the supervisor is unable to participate in a roll call, is responsible for collection and preparation of the materials necessary for a constructive roll call. A supervisor may delegate this responsibility to a subordinate in his/her absence or for training purposes.

402.4 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call materials and a curriculum or summary shall be maintained by the respective division. Any training materials shall be forwarded to the Training Director for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (b) Provide first aid to injured parties if it can be done safely.
- (c) Evacuate the location safely as required or appropriate.
- (d) Secure the inner perimeter.
- (e) Secure an outer perimeter.
- (f) Identify potential witnesses.
- (g) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

Crime and Disaster Scene Integrity

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 CRIME OR DISASTER SCENE CLEANUP

Crime scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)).

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Wisconsin Department of Health Services, the Drug Enforcement Administration (DEA), and the Environmental Protection Agency (EPA) should be notified to assess environmental impacts from hazardous substance spills or improper waste disposal (Wis. Stat. § 292.11).

403.7 CRIMINAL INVESTIGATION DIVISIONAL COMMANDER RESPONSIBILITIES

The Criminal Investigation Divisional Commander is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

403.8 TRAINING

The Criminal Investigation Divisional Commander should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

Ride-Along

405.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

405.1.1 ELIGIBILITY

The Milwaukee County Sheriff's Office ride-along program is offered to interns, select members of the media, and other individuals, as determined by the Sheriff or the authorized designee. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Agency
- Denial by any supervisor

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Intern Coordinator. The participant will complete and sign a ride-along waiver form. Interns shall complete paperwork necessary for a background check. Information requested will include a valid driver's license, address and telephone number.

The Intern Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Divisional Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Agency will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time (unless the ride along is the media).

Ride-along participants may not carry firearms.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Ball caps will not be worn in the Sheriff's vehicle. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

Ride-Along

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the Divisional Commander.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Wisconsin Department of Justice (WisDOJ) Criminal History System check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Milwaukee County Sheriff's Office).

405.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. The ride-along may be terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the on-duty supervisor.

A copy of the ride-along waiver form shall be returned to the on-duty supervisor and/or Intern Coordinator with any comments that may be offered by the deputy.

405.4 CONTROL OF RIDE-ALONG

The assigned deputy shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The ride-along will follow the directions of the deputy.
- (b) The ride-along shall wear the provided body armor and reflective vest.
- (c) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.
- (d) The ride-along may terminate the ride at any time and the deputy may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the deputy's duties.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (f) Ride-alongs shall stay in the vehicle at all times.

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Wisconsin law, the following represents the policy of this agency.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous substance - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives (Wis. Stat. § 299.01(6)).

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potential hazardous material from a safe distance.
- (b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:
 1. Placards and use of the Emergency Response Guidebook.
 2. Driver's statements or shipping documents from the person transporting the material.

Hazardous Material Response

3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
 1. The identity of the material.
 2. How to secure and contain the material.
 3. Any other information to protect the safety of those present, the community and the environment.
- (f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (j) Establish a decontamination area when needed.
- (k) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.
- (l) If available, activate an emergency alert system to the affected area.

406.3 REPORTING EXPOSURE

Agency personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in the appropriate report. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the appropriate report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure appropriate action is taken to treat the exposure.

406.4 HAZARDOUS MATERIALS TRAINING

Employees should receive periodic training regarding hazardous material awareness and how to handle a hazardous material incident.

Book and Release

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Milwaukee County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Misdemeanor citation - A directive, issued by a deputy, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

County ordinance citation - A directive, issued by a member of this agency, that requires a person to appear in circuit court for violation of a county ordinance.

410.2 POLICY

The Milwaukee County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation for a misdemeanor (Wis. Stat. § 968.085(2); Wis. Stat. § 66.0113).

410.3.1 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and photographs of a suspected offender issued a citation should be obtained for the following offenses before release (Wis. Stat. § 165.84(1)):

- (a) A misdemeanor, or an offense which would be a misdemeanor if committed by an adult or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substances analogs under Chapter 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks (Wis. Stat. § 165.83(2)(a)2).
- (b) An offense charged or alleged as disorderly conduct but which relates to one or more acts listed in Wis. Stat. § 165.83(2)(a)2; (Wis. Stat. § 165.83(2)(a)3).

410.3.2 STATUTORY REQUIREMENTS

Whenever this agency receives notice that the District Attorney has declined to prosecute a misdemeanor citation, the District Attorney liaison shall attempt to notify the person identified in

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the citation that he/she will not be charged and does not have to appear as directed in the citation (Wis. Stat. § 968.085(5)).

410.4 JUVENILE CITATIONS

Completion of citations for juveniles 12 years-of-age or older is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

Cases not closed by citation should be referred to the District Attorney's Office, if necessary, for diversion or prosecution.

Upon issuing a misdemeanor or municipal citation to a juvenile, this agency shall notify the juvenile's parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

410.5 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for violation of protective orders or involving harassment (Wis. Stat. § 813.125(6)).

See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

410.6 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider (Wis. Stat. § 968.085(2)):

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) The person appears to represent a danger of harm to him/herself, another person or property.
- (h) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the agency's policies.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Milwaukee County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Milwaukee County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Foreign Diplomatic and Consular Representatives

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.5.1 TRAFFIC OFFENSES

A deputy who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

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- (a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.
- (b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Active Shooter Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

412.2 POLICY

The Milwaukee County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Agency in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

Active Shooter Response and Deployment

- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, deputies should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., SWAT Team, MRT Team).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Sheriff or the authorized designee should designate one or more supervisors to coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

The Training Director should include rapid response to critical incidents in the training plan. This training should address:

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Active Shooter Response and Deployment

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide agency members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Milwaukee County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

416.5 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

Aircraft Accidents

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Office of Emergency Management, when applicable.
- (g) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this agency will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene agency supervisor should ensure the accident is still appropriately investigated and documented.

416.6 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

416.7 DOCUMENTATION

All aircraft accidents occurring within the County of Milwaukee shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.7.1 WRECKAGE

When reasonably safe and this agency has the primary investigative jurisdiction, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.

Aircraft Accidents

- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.7.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.8 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Shift Supervisor

419.1 PURPOSE AND SCOPE

Each shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with agency policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant or Sergeant heads each watch.

419.2 NIGHT AND WEEKEND COMMANDER

When the Divisional Commander is not working, a Captain or other designated supervisor shall serve as the acting commander during nights and weekends.

Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this agency. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The Milwaukee County Sheriff's Office recognizes the right of persons to lawfully record members of this agency who are performing their official duties. Members of this agency will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies and correctional officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - (a) Tampering with a witness or suspect.
 - (b) Being so close to the activity as to present a clear safety hazard to the deputies or correctional officers.
 - (c) Being so close to the activity as to interfere with a deputy's or correctional officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, correctional officers, him/herself or others.

423.4 DEPUTIES AND CORRECTIONAL OFFICERS RESPONSE

Deputies and correctional officers should promptly notify a supervisor whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence.

Whenever practicable, deputies or correctional officers should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy or correctional officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies or correctional officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SEIZING RECORDINGS AS EVIDENCE

Deputies or correctional officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to an agency-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

423.6 RULES GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY COVERAGE OF JUDICIAL PROCESSING

Chapter 61 of the Wisconsin Supreme Court Rules gives trial court judges the power, authority, and responsibility to control the conduct of the proceedings before them which includes decisions over the inclusion or exclusion of the press or public at particular proceedings or during the testimony of particular witnesses. As such, the above sections of this policy do not apply inside a Milwaukee County Courtroom (Wis. SCR § 61).

Foot Pursuits

425.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

425.2 POLICY

It is the policy of this agency that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to agency members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

425.3 DECISION TO PURSUE

The safety of agency members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and agency members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place agency members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the reasonable perception of risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Unmanned aerial vehicle or air support.
- (f) Apprehension at another time when the identity of the suspect is known.

425.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical exhaustion of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with Milwaukee County 911 Communications Division or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to agency members or the public if the suspect is not immediately apprehended.

Foot Pursuits

- (o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

425.5 RESPONSIBILITIES IN FOOT PURSUITS

425.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Number of suspects and description, to include name if known
- (d) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Milwaukee County 911 Communications Division of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

425.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

425.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the incident. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the incident. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established agency guidelines.

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Foot Pursuits

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

If possible, upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Milwaukee County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants, unless their participation is part of an undercover assignment.
- (b) Harass or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating agency performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to a supervisor. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

First Amendment Assemblies

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan should provide for the following, as applicable:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with County government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event

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- (t) Parameters for the use of body-worn cameras and other portable recording devices

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the [Outside Agency Assistance Policy](#)).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord (Wis. Stat. § 346.16; Wis. Stat. § 947.06; Milwaukee County Ord. 63.03). Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the [Use of Force, Handcuffing and Restraints, Control Devices and Techniques](#), and [Conducted Energy Device](#) policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law).

Any use of force by a member of this agency shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

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427.8 ARRESTS

The Milwaukee County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see [Citation Releases Policy](#)).

427.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the [Media Relations Policy](#)).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following, as applicable:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment, and supply records

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- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Milwaukee County 911 Communications Division records/tapes
- (g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

As applicable, the Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time, and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

427.12 TRAINING

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This agency provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Milwaukee County Sheriff's Office. Information provided by various sources is a valuable resource for traffic crash occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All deputies shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator's socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are generally inappropriate factors to consider when making violation enforcement decisions. This agency does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies shall provide the following information at a minimum (Wis. Stat. § 345.27):

- (a) Explanation of the violation or charge (Wis. Stat. § 345.27):
 - 1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
 - 2. That demerit points may be assessed against the person's driving record for the offense
 - 3. The number of demerit points that is cause for revocation or suspension
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

500.4 HIGH-VISIBILITY VESTS

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of agency members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest

Traffic Function and Responsibility

as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes deputy might benefit from being readily identified as a deputy.

500.5 FLARES

Flares may be used alone or in conjunction with traffic cones.

Flares should not be thrown at any time.

Flares should be placed on the ground to avoid injury from burns after lighting and placed in such a way as to divert traffic when necessary. Extinguished flares and wires should be removed from traffic to the distress lane and will not be disposed of between median walls or in sewers when their use is completed.

500.6 ROADWAY HAZARDS

If a deputy encounters a roadway hazard (e.g., debris in roadway) and it is reasonable to remove the hazard, he/she should attempt to do so. If the hazard would be unreasonable for the deputy to remove (e.g., ice on the roadway, downed tree, exposed powerline), he/she shall notify the Office of Emergency Management Communications Center to request the appropriate resource.

500.7 CMV ENFORCEMENT

Oversize loads are generally not allowed inside certain boundaries of the Milwaukee County Freeway System. When permitted, oversize loads will have a permit from DOT, as well as a scheduled route of travel. The boundaries are:

- I-41 northbound Ryan Road
- I-43 southbound Brown Deer Road
- I-94 eastbound Highway 100
- I-41 southbound at Silver Spring Road

500.8 LANE CLOSURE

The Sheriff has the power to temporarily close any highway in the County in case of emergency and to divert traffic onto any alternate highway. Any lane or road closure for more than one hour will be reported to the State Division of Highways by the Office of Emergency Management Communications Center.

500.9 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant is responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws. Traffic procedures shall include, but are not limited to, the following:

- Interaction with specific categories of violators

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- Juveniles
- Legislators
- Foreign Diplomats and Consular Representatives (see policy by the same name)
- Active military members
- Required information provided to violators
- General enforcement procedures including, but not limited to, violations relating to the following:
 - Operating a vehicle under the influence of alcohol or drugs
 - Operating a vehicle on a suspended or revoked license
 - Speed
 - Hazardous operations
 - Off-road vehicle
 - Equipment
 - Public carrier or commercial vehicle
 - Non-hazardous
 - Multiple
 - Newly enacted laws and/or regulations
 - Violations resulting in traffic crashes
 - Pedestrian and bicycle
- Roadside safety checks
- Stopping and approaching vehicles
- Deputy-violator relations
- Radar and other speed-measuring devices
- License re-examination referrals
- Processing requests and providing law enforcement escort services including funerals, parades, dignitaries, and civilian and over-sized vehicles.
- Traffic direction and control under a variety of circumstances

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Milwaukee County Sheriff's Office and pursuant to Wis. Stat. § 349.13.

502.2 ALTERNATIVES TO TOWING AND IMPOUNDING

Agency members may leave a vehicle at the scene of an incident if it is not needed for law enforcement purposes. The vehicle may be:

- (a) Legally parked and secured at the scene, with the owner's permission.
- (b) Released to the owner.
- (c) Privately towed at the owner's expense.
- (d) Released to a licensed driver with the consent of the owner.

Agency members do not have to exhaust all possible alternatives to impound and do not have to wait an unreasonable amount of time for alternatives to be carried out.

502.3 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the agency member should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.3.1 VEHICLE REPORT

Agency members requesting towing, seizure or impound of a vehicle shall complete a vehicle report form that includes written authorization for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy shall be provided to the tow truck operator.

502.3.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the deputy may have the driver select a towing company, if reasonably possible. If the crash is impeding traffic, the deputy shall notify Milwaukee County OEM 911 Communications Division of the need for a tow.

If the owner is incapacitated or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in a crash, the deputy shall request the dispatcher to call a tow. The deputy will then conduct an inventory search prior to the tow. The vehicle may then be removed by the tow and delivered to the appropriate location determined by the deputy.

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Vehicle Towing and Release

502.3.3 DRIVING A NON-COUNTY VEHICLE

Vehicles that have been towed by or at the direction of the Agency should not be driven by Sheriff's Office personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.4 TOWING SERVICES

The County of Milwaukee periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

Milwaukee County OEM 911 Communications Division will notify the appropriate tow company.

502.5 INVENTORY FOR A VEHICLE NOT HELD AS EVIDENCE

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Agency against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 PRESERVATION OF EVIDENCE

A deputy removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law. Vehicles stored as evidence should be held in a secured agency location.

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502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy or other agency member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by agency personnel will be contingent on the time of day, the location, the availability of agency resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Agency personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or changing a tire is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this agency by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Absent emergency or exigency circumstances, vehicles on the freeway system should be removed after two hours.

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

FAA (Federal Aviation Administration) – The government agency empowered by Congress to regulate the National Airspace System.

Unmanned aerial system (UAS) – A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) – An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55; Wis. Stat. § 942.10). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

606.4 UAS UNIT COMMANDER

The Sheriff will appoint a UAS Unit Commander who will be responsible for the management of the UAS program. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and agency-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS. UAS Unit members are required to take and pass the FAA Part 107 test prior to deployment of a UAS.
- Ensure that all UAS pilots obtain and maintain all certifications through the FAA.
- Review all UAS pilot flight hours recorded on flight logs.
- Review all reports generated from the use of a UAS.

606.5 UAS UNIT SUPERVISOR

The UAS Unit Supervisor's responsibilities include but are not limited to:

- Day-to-day supervision of UAS Unit-related functions.
- Scheduling of training.
- Inspection of flight logs.
- Maintaining training records.
- Providing operational reports to the UAS Unit Commander.
- Developing uniform Agency protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require verbal authorization of the UAS Unit Commander or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in accordance with current records retention protocols.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or the authorized designee.

Unmanned Aerial System (UAS) Operations

606.6 UNIT ASSIGNMENT

The selection and assignment of deputies to the UAS Unit will be made by the Sheriff or the authorized designee.

606.7 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required agency and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55(2)):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

A UAS may be used for law enforcement purposes in the following circumstances but not where an individual has a reasonable expectation of privacy without first obtaining a warrant:

- Natural disaster assessment
- Crowd monitoring operations
- To assist in criminal investigations
- Community relations activities as approved by the Sheriff or the authorized designee
- Training exercises
- Any other events (e.g., mutual aid) deemed appropriate by the Sheriff or the authorized designee

606.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.

Unmanned Aerial System (UAS) Operations

- To conduct personal business of any type.

606.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

606.10 TRAINING

All agency members authorized to operate or access the UAS shall receive appropriate training.

Proficiency training is required every six months.

Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, removal and recording of vehicles abandoned in violation of abandoned vehicle laws or ordinances or that must be removed due to an emergency.

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of state or local laws shall be marked and noted in the computer aided dispatch (CAD) system. No case number is required at this time.

If an abandoned vehicle is located, it should be tagged with the appropriate sticker in a conspicuous location and Milwaukee County 9-1-1 OEM should be notified. If the vehicle is not moved in the prescribed time limit, a tow should be contacted for removal.

506.3 ABANDONED VEHICLE TOWING REPORTING

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and an abandoned tow recovery shall be completed by the deputy authorizing the removal of the vehicle.

506.3.1 ABANDONED VEHICLE TOWING REPORTING

The abandoned tow recovery shall be entered into CAD immediately following the storage of the vehicle.

The deputy on scene shall notify the towing service of the name and last-known address of the vehicle's registered owner.

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

FAA (Federal Aviation Administration) – The government agency empowered by Congress to regulate the National Airspace System.

Unmanned aerial system (UAS) – A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) – An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the agency's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55; Wis. Stat. § 942.10). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

606.4 UAS UNIT COMMANDER

The Sheriff will appoint a UAS Unit Commander who will be responsible for the management of the UAS program. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

Unmanned Aerial System (UAS) Operations

- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and agency-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS. UAS Unit members are required to take and pass the FAA Part 107 test prior to deployment of a UAS.
- Ensure that all UAS pilots obtain and maintain all certifications through the FAA.
- Review all UAS pilot flight hours recorded on flight logs.
- Review all reports generated from the use of a UAS.

606.5 UAS UNIT SUPERVISOR

The UAS Unit Supervisor's responsibilities include but are not limited to:

- Day-to-day supervision of UAS Unit-related functions.
- Scheduling of training.
- Inspection of flight logs.
- Maintaining training records.
- Providing operational reports to the UAS Unit Commander.
- Developing uniform Agency protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require verbal authorization of the UAS Unit Commander or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in accordance with current records retention protocols.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or the authorized designee.

Unmanned Aerial System (UAS) Operations

606.6 UNIT ASSIGNMENT

The selection and assignment of deputies to the UAS Unit will be made by the Sheriff or the authorized designee.

606.7 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required agency and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55(2)):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

A UAS may be used for law enforcement purposes in the following circumstances but not where an individual has a reasonable expectation of privacy without first obtaining a warrant:

- Natural disaster assessment
- Crowd monitoring operations
- To assist in criminal investigations
- Community relations activities as approved by the Sheriff or the authorized designee
- Training exercises
- Any other events (e.g., mutual aid) deemed appropriate by the Sheriff or the authorized designee

606.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.

Death Investigation

608.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to Wis. Stat. Chapter 979.

608.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

608.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

- (a) All deaths in which there are unexplained, unusual or suspicious circumstances
- (b) All homicides
- (c) All suicides
- (d) All deaths following an abortion
- (e) All deaths due to poisoning, whether homicidal, suicidal or accidental
- (f) All deaths following accidents, whether the injury is or is not the primary cause of death
- (g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death
- (h) When a physician refuses to sign a death certificate
- (i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate
- (j) Unidentifiable bodies

608.2.2 SEARCHING DEAD BODIES

The Medical Examiner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy shall first obtain verbal consent from the Medical Examiner when practicable.

Death Investigation

A deputy is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat. § 157.06(12)). If a donor document is located, the Medical Examiner shall be promptly notified. If a donor record of gift or gift refusal is located, and the individual is transported to a hospital, the person responsible for conducting the search shall send the donor record of gift or gift refusal to the hospital.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

608.2.3 DEATH NOTIFICATION

When reasonably practicable notification to the next-of-kin of the deceased person shall be made, in person, by the detective assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. The Medical Examiner should be advised if notification has been made. Assigned detectives may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this agency shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

608.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue an incident number for the report.

608.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

608.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the deputy shall take steps to protect the scene. The Criminal Investigation Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

608.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Wisconsin Department of Health Services (WDHS) is notified with all pertinent information.

Agency-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Agency employees are expected to properly care for agency property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or agency property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Agency, all issued equipment shall be returned and documentation of the return signed by the Training Academy. Any equipment issued by the employee's designated division shall be returned to the appropriate supervisor of that division when he/she leaves that division.

700.2.1 CARE OF AGENCY PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of agency property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any agency-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall promptly forward any relevant information to the appropriate Commander. The Commander will determine the most appropriate way to resolve the situation.
- (b) The use of damaged or unserviceable agency property should be discontinued as soon as practicable and, if appropriate and approved, replaced with comparable agency property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed or required by exigent circumstances, agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without approval from the appropriate Divisional Commander.
- (e) In the event that any agency property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Sheriff or appropriate Divisional Commander, unless otherwise authorized by another policy or procedure (e.g., [Personal Communication Devices](#)). The employee should

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submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Divisional Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the Divisional Commander and a finding that no misconduct or negligence was involved, repair or replacement may then forward the claim to the appropriate department.

The Agency will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

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700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County of Milwaukee, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Divisional Commander.

Unmanned Aerial System (UAS) Operations

- To conduct personal business of any type.

606.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

606.10 TRAINING

All agency members authorized to operate or access the UAS shall receive appropriate training.

Proficiency training is required every six months.

Policy #	Title	Date Issued	Date Re-Issued	Date Re-Issued
102.1-4	Oath of Office	1/31/2020		
201.1-3	Agency Directives	5/6/2020		
202.1-5	Emergency Operations Plan	6/21/2020		
203.1-10	Law Enforcement Training	5/31/2020		
207.1-6	Law Enforcement Officer Safety Act Policy	8/23/2020		
208.1-4	Budget Management	5/6/2020		
300.1-10	Use of Force	7/12/2020	9/14/2020	
301.1-4	Use of Force Review Board	7/24/2020		
302.1-9	Handcuffing and Restraints	8/1/2020		
303.1-11	Control Devices and Techniques	6/21/2020		
304.1-8	Electronic Control Devices	8/1/2020		
307.1-9	Vehicle Pursuits	9/24/2020		
310.1-9	Domestic Abuse	5/6/2020	7/30/2020	8/19/2020
313.1-11	Adult Abuse	5/6/2020		
316.1-10	Missing Persons	5/6/2020		
319.1-6	Bias Motivated Crimes	6/21/2020		
321.1-6	Information Technology Use	8/23/2020		
323.1-8	Media Relations	7/28/2020		
324.1-6	Subpoenas and Court Appearances	5/6/2020		
325.1-7	Outside Agency Assistance	5/6/2020		
326.1-4	Registered Offender Information	7/26/2020		
327.1-4	Major Incident Notification	7/26/2020		
328.1-4	Identity Theft	6/21/2020		
333.1-9	Chaplains	7/12/2020		
335.1-5	Child and Dependent Adult Safety	6/21/2020		
336.1-3	Service Animals	5/6/2020		
337.1-4	Native American Graves Protection and Repatriation	5/6/2020		
338.1-5	Off-Duty Law Enforcement Actions	1/31/2020		
339.1-8	Agency Use of Social Media	1/31/2020		
401.1-6	Bias-Based Policing	7/12/2020		
402.1-4	Roll Call	5/6/2020		
403.1-8	Crime and Disaster Scene Integrity	7/26/2020		
405.1-4	Ride-Along	7/26/2020		
406.1-4	Hazardous Material Response	6/21/2020		
410.1-6	Book and Release	7/26/2020		
411.1-6	Foreign Diplomatic and Consular Representatives	7/26/2020		
412.1-6	Active Shooter Response and Deployment	7/18/2020		
416.1-8	Aircraft Accidents	7/18/2020		
419.1-2	Shift Supervisor	7/11/2020		
423.1-5	Public Recording of Law Enforcement Activity	8/23/2020		
425.1-5	Foot Pursuits	7/18/2020		
427.1-11	First Amendment Assemblies	8/1/2020		
500.1-9	Traffic Function and Responsibility	7/12/2020		
502.1-7	Vehicle Towing and Release	8/28/2020	x	
505.1-3	Disabled Vehicles	7/18/2020		
506.1-3	Abandoned Vehicle Violations	7/18/2020		
606.1-10	Unmanned Aerial System UAS Operations	7/30/2020		
608.1-2	Death Investigation	7/12/2020		
700.1-4	Agency-Owned and Personal Property	7/12/2020		
701.1-9	Personal Communication Devices	7/12/2020		
702.1-6	Vehicle Maintenance	7/12/2020		
703.1-7	Vehicle Use	8/23/2020		
706.1-4	Off-Highway Vehicle Utility Terrain Vehicle UTV Procedure	9/7/2020		

1004.1-7	Anti-Retaliation	7/18/2020
106.1-9	Drug- and Alcohol-Free Workplace	7/12/2020
1011.1-8	Seat Belts	1/31/2020
1012.1-4	Body Armor	7/26/2020
1013.1-10	Personnel Records	7/12/2020
1015.1-8	Fitness for Duty	8/28/2020 x
1016.1	Meal Periods and Breaks	5/6/2020
1018.1	Payroll Records	8/23/2020
1019.1-3	Overtime Compensation Requests	7/12/2020
1022.1-8	Personal Appearance Standards	7/9/2020
1024.1-6	Explorers	5/6/2020
1027.1-8	Temporary Modified-Duty Assignments	7/12/2020
1028.1-7	Employee Speech, Expression and Social Networking	8/23/2020
1029.1-4	Locker Rooms	5/6/2020
1032.1-5	Load-Bearing Outer Vest Carrier Procedure	7/9/2020