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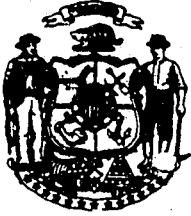
MODEL POLICIES and PROCEDURES
for
WISCONSIN LAW ENFORCEMENT AGENCIES

Prepared by:

Wisconsin Council for Traffic Law Enforcement

Governor's Office of Highway Safety

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The State of Wisconsin

COUNCIL ON TRAFFIC LAW ENFORCEMENT

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JAN 21 1980

ACQUISITIONS

TO: ALL WISCONSIN SHERIFFS, CHIEFS OF POLICE, CONSTABLES,
AND DIRECTOR OF THE STATE PATROL

FROM: GOVERNOR'S COUNCIL ON TRAFFIC LAW ENFORCEMENT AND
DIVISION OF HIGHWAY SAFETY COORDINATION

SUBJECT: MODEL POLICY AND PROCEDURE GUIDELINES

Traffic Law Enforcement is a very important ingredient in the total traffic safety program for Wisconsin.

✓ In an attempt to establish policy and procedure uniformity for all Wisconsin law enforcement agencies, the Governor's Division of Highway Safety and the Governor's Council on Traffic Law Enforcement has developed the following guidelines. These guidelines have been developed, and recommended for adoption by your department. You will note they have been constructed so that you, as the department head, can utilize these guidelines as a 'management tool' in the administration of your traffic law enforcement agency. You may wish to utilize some, or all, of these guidelines. We encourage you to develop and adopt additional policies and procedures you deem necessary.

Should you have questions regarding these proposed Policy and Procedure Guidelines, please write to the Secretary of the Council on Traffic Law Enforcement at the Division of Highway Safety Coordination, 131 West Wilson Street, Suite 803, Madison, Wisconsin 53702.

Sincerely,

A handwritten signature in cursive script that reads "John Radcliffe".

JOHN RADCLIFFE
State Highway Safety Coordinator

A handwritten signature in cursive script that reads "Ralph Gehring".

RALPH GEHRING, Chairman
Council on Traffic Law Enforcement

FOREWARD

This set of model Policies and Procedures for Police Traffic Services is the product of the joint efforts of the Governor's Office of Highway Safety Coordination and the Wisconsin Council on Traffic Law Enforcement.

Guidelines used in preparing these model Policies and Procedures were taken from the International Association of Chiefs of Police, the National Highway Traffic Safety Administration, and Oakland County, Michigan materials.

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I. THE NEED FOR POLICE TRAFFIC SERVICES

POLICIES AND PROCEDURES

Good management techniques demand that each individual within any organizational structure know what is expected of him, how he is expected to carry out his functions, both generally and specifically, who he reports to and who reports to him. Anything less, and the law enforcement administrator falls short in his duty to his jurisdiction, his agency, and his staff and own office.

The word Policy is not synonymous with Procedure. The following definitions are offered to clarify and insure uniformity of terminology for our purposes.

Policy. Policy consists of principles and values which guide the performance of a department in a particular situation. It is a statement of guiding principles which should be followed in activities which are directed toward the attainment of department objectives.

Policy is formulated by analyzing objectives and determining through research those principles which will best guide the department in achieving its objectives. Policy is based upon police ethics and experience, the desires of the community and mandate of the law.

Policy is articulated to inform the public and department employees of the principles which will be adhered to in the performance of the law enforcement function. Additionally, policy establishes operational standards to assist department employees in the necessary exercise of discretion in discharging their responsibility.

An officer in the performance of his duty is confronted with an infinite variety of complex situations which require police action. Since policy is objective rather than situation-oriented, it is broad enough in scope to encompass most situations. Policy, therefore, must be stated in general terms.

Procedure. A procedure is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective-oriented; however, policy establishes limits of action while procedure directs response within those limits.

II. THE MANDATE FOR LAW ENFORCEMENT TRAFFIC SERVICES POLICIES AND PROCEDURES

The need for development of Law Enforcement Traffic Services Policies and Procedures is dictated by various provisions and requirements of the National Highway Traffic Safety Administration's Highway Safety Program Standards.

Highway Safety Program Standard 15, Police Traffic Services, calls for the development of procedural guidelines:

- For the training of police in vehicular and pedestrian traffic operations.
- To allocate police resources commensurate with the magnitude of the traffic problem.
- For the selective assignment of trained police personnel.
- For investigation, recording and reporting accidents.
- For recognizing and reporting hazardous driver, roadway, and vehicle defects.

The Governor's Council on Traffic Law Enforcement supports the proposed National Highway Traffic Safety Administration Police Traffic Services Standard, N-6 which states, "Each law enforcement agency shall be required to develop and implement carefully defined and written policies related to enforcement of traffic laws within its jurisdiction, such policies to be regularly communicated to all law enforcement officer."

These policies shall include:

- Guidance on handling traffic violations, traffic law enforcement directed towards those persons operating while under the influence of an intoxicant or controlled substance, and suspensions and revocation cases.
- Procedures for prompt notification of:
 - a. Defective vehicles
 - b. Roadway and roadside hazards
 - c. Defective signs and signals
 - d. Construction and maintenance deficiencies
 - e. Driver defects

Increasing demands for evaluating all law enforcement activities will further mandate the need for well written and understandable operating policies and procedures. Evaluation of an individual officer or a department's performance is futile without clear-cut direction and understanding of the basic objectives and goals of the organization.

Performance measures require well written operating policies and procedures if an effective evaluation is to be made of all traffic service activities.

It has been made clear to the Wisconsin Council of Traffic Law Enforcement that there exists, in the State of Wisconsin, a real need for the development of a set of operational policies and procedures which should be implemented at the state and local level.

III. METHODOLOGY

For several years, the Council on Traffic Law Enforcement has identified the need for "Model Policy and Procedure Guidelines" for Wisconsin law enforcement agencies.

In January, 1974, the Chairman of this Council, Ralph Gehring, appointed a sub-committee to prepare these "Model Policy and Procedure Guidelines" and to take into consideration current positions of the International Association of Chiefs of Police (IACP); the National Highway Traffic Safety Administration (NHTSA); a model prepared by Oakland County, Michigan Law Enforcement Agencies; and current Wisconsin Statutes.

This sub-committee met on many occasions and developed the following material for your consideration and adoption by your law enforcement agency.

Members of the Council on Traffic Law Enforcement are:

Mr. Ralph Gehring, Chairman, Shiocton
Mr. Louis De Marco, Vice-chairman, Kenosha
Attorney Phillip Atinsky, Milwaukee
Chief John Brandt, Two Rivers Police Department
Sheriff Archie Divine, Rock County, Janesville
Representative Michael Ellis, Neenah
Chief Everett Gleason, Wausau Chief of Police
Mr. Joseph Kroeninger, Hales Corners
Representative Thomas Murray, Superior
Sheriff Kenneth Pratt, Lafayette County, Darlington
Mr. Ronald Schuele, Milwaukee
Chief Don Smith, Brown County Traffic Dept., Green Bay
Major John Sterba, Wisconsin State Patrol
Officer Leslie Swenson, St. Croix County Traffic Dept., Hudson
Colonel Lew Versnik, Wisconsin State Patrol

Alternates:

Sheriff Joseph Croteau, Ashland
Capt. Perry Griffith, Wisconsin State Patrol, Eau Claire
Chief Elmer Madson, Chief of Police Green Bay
Chief Walter Oldham, Clark County Traffic Dept., Neillsville

Sub-committee members are:

* John Brandt, Chief of Police, Two Rivers
Archie Divine, Sheriff of Rock County, Janesville
Perry Griffith, Captain, Wisconsin State Patrol District 6
Leslie Swenson, Officer, St. Croix County Traffic Dept.
Maynard Stoehr, Division of Highway Safety Coordination

* Chairman

IV. POLICY FORMULATION AND EXECUTION

A major responsibility of any organization is to develop and disseminate written policy to guide the actions of subordinates. A formal administrative or operational policy or procedure represents a definitive course of action selected from among a variety of alternatives. In light of existing conditions, particular approaches or avenues can be formally developed to guide and determine present and future decisions.

The need for clearcut policy statements has not been well understood by police administrators in the past. Unfortunately, there have been only occasional efforts to develop policies designed to guide and control police officers in the many types of situations they encounter. The absence of policy guidelines creates confusion and a resultant lack of uniformity of action. On the other hand, when formal policies exist and are clearly understood by all department personnel, the general direction of the organization is established and uniform and consistent action is encouraged.

In general, each community must be held accountable for the many inadequacies of its police force, including deficiencies created by excessive and increasing demands upon the police, insufficient salary structures, and lack of necessary personnel and physical resources. Some of the fault, however, lies with police officials who, declining to risk discussion and controversy, have left major policy issues unwritten and undefined. Perhaps the lack of adequate planning tools in a majority of agencies has caused police administrators to avoid confronting today's major law enforcement problems. The real need for basic improvement in law enforcement has been well presented in Task Force Report: The Police, which states:

1. There is need to recognize the variety of functions which police perform today, particularly in the large urban community. The demands upon police are likely to increase in number and complexity rather than decrease.
2. Important and complex social, behavioral, and political problems can adequately be dealt with by American government only if there is room for administrative variation, innovation, and experimentation of a kind presently lacking in the police field.
3. To deal adequately with current law enforcement needs requires an explicit acknowledgement that police are one of the most important governmental administrative agencies in existence today. It requires also that major changes be made to equip police to develop appropriate administrative policies and a willingness and capacity to conform with these policies.¹

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police (Washington, D.C., U.S. Government Printing Office, 1967), p. 38.

A great many police agencies in the United States have refrained from defining controversial or ambiguous situations into formal policy designed to help police officers make appropriate enforcement decisions in difficult circumstances. The many interoffice memoranda written and published by the agencies are, for the most part, procedural in nature and fail to provide police officers with sufficient guidance to handle a variety of situations requiring sensitive enforcement decisions. Although a few of the memos may contain policy statements, most of these contain no mention of the procedure to be employed in carrying out such policy. There is no question that procedures must be defined in department orders or in manual form as a necessary adjunct to the administrative machinery of a police agency. However, in most cases, policy statements are necessary to establish the reasoning and purpose behind the procedure, especially in such discretionary areas as traffic law enforcement tolerances, sensitive human relations situations, and group behavior.

A modern police agency, recognizing the importance of the policy-making function, will organize and implement processes to make policy-making systematic, intelligent, articulate, and responsive to appropriate social controls. If major progress is to be made, police agencies must be able to identify and deal with social problems before crisis situations occur.

The legislature, the judiciary and the prosecutor are also concerned with issues of criminal and traffic law and should participate in the development of traffic law enforcement policies.

State and local legislative bodies have a responsibility to provide legislative guidance, review and control, in addition to the routine rule of traffic law applied by the police. The judiciary should play a more important role in determining and defining proper traffic law enforcement practices. The prosecutor should develop traffic law enforcement policy relating to prosecution interests. The participation of each of these bodies will enhance the development and implementation of improved traffic law enforcement policies.

Policy Formulation. Policy formulation is a difficult undertaking for police officials, especially those without benefit of a formalized planning unit. Fulfilling this function requires the development of a systematic process by which important issues are identified, analyzed, and resolved. Although the actual staff work involved may be performed by an individual or a small group such as the Research and Development Section, the formulation process must include all supervisory officers who will be involved in the implementation. This is usually accomplished through use of a "review and comment" system, wherein affected supervisors are asked for an opinion of an order before publication. A directive which has been reviewed in this manner is said to have been "staffed." This device assures that all involved have the opportunity to contribute to the final product. It permits every aspect of the problem to be reviewed and provides for discussion by those most closely involved. In addition to improvements in the policy itself, real support for it will more likely result because those responsible for implementation have participated in its creation.

The following guidelines are offered to assist any administrator, command officer, or supervisor to improve traffic policy formulation:

Identify problem areas through study of routine complaints, observation of field practices, analysis of court decisions and study of particular problems already known.

Systematically study the problem utilizing problem-solving techniques, staff study procedures, or other similar research methodology.

Discuss and analyze the proposed policy with the command staff of the division and interested individuals or agencies outside the organization.

Communicate written policy to operating personnel in clear and precise terms that can be readily understood by the officer at the operating level who will be responsible for its execution.

Openly publish new policy, allow public criticism, and emphasize the division's position. An exceptionally few number of policies whose effectiveness requires secrecy should be kept confidential.

Whenever possible, present new written policies to officers using a training approach, and permit officers to question and understand the reasoning behind the policy. A problem approach to communicating new policy should be adopted as preferable to a platform lecture method.

Frequently review policy to determine whether it has the desirable degree of flexibility for both the officer and the division. Adequate provision must be made for the officer to exercise his own judgment, yet guidelines should restrict the making of arbitrary decisions.

A policy statement usually involves three main features:

The creation or affirmation of a long-range purpose or program.

The commitment of management representatives to a general standard to apply in daily decisions and conduct.

An indication of those areas left for discretion within the overall concept to allow for an interpretation in the variety of specific situations which may occur.

Some may argue that when policy allows an individual supervisor to think independently, he will make mistakes. This is true, but as long as he adheres to established policy, the mistakes will occur only within its limitations. Independent thinking develops administrative abilities on a management level because thinking opens the door to learning. Law enforcement has traditionally depended upon the development of the future leaders from within the ranks of the organization. Potential executives can be developed only by allowing discretion and initiative within supervisory positions. Well developed policy statements permit this latitude. The lack of formalized policy at the management level tends to encourage individual policy formulation at each level and in various components of an organization. Overall direction may then be distorted and confusion may result. Attempts to correct misunderstanding of policy follow a pattern of rule creation and enforcement of rigid codes.

The basic policy, once established, normally requires the development of detailed implementation instructions. Due to the infinite number of variables involved in some police activities, detailed instructions are not always practical. Therefore, operating procedures should take into account the latitude required by the various skill levels of personnel involved with the particular activity.

There is a need to develop methods of assuring compliance with division rules, regulations, and policies. Such controls are usually established through internal investigations and inspections administered by an inspectional services unit or individual under the direct supervision of the department head.

Situations wherein officers most usually deviate from prescribed operating policy usually fall into three general groupings:

1. An officer violates department regulations or policies due to his desire to satisfy an immediate supervisor who has voiced his reluctance to support new policy.
2. An officer takes an action not usually condoned but for which no written rule, regulation, or policy statement has been officially formulated.
3. An officer's actions are a violation of department policy or procedure, but are nevertheless consistent with prevailing practices condoned within the agency.

Internal control can be improved by:

Developing a systematic policy formulation process to achieve control over identified police problems.

Developing written policy to guide officers in making decisions concerning arrest, search, and the amount of force to be used.

Establishing administrative controls and procedures in the form of written orders and/or procedural manuals.

Providing training to help officers develop a desire to participate and conform and a sense of personal responsibility.

Providing training and education to instill officers with a professional identity consistent with their police role in the community.

Although there is general recognition of local control over law enforcement agencies in this country, the police are necessarily called upon to carry out the mandates of specific legislative, executive, and judicial bodies. It follows therefore that the police are also subject to review and control by these branches of government. While it is important that a police agency be left with broad discretion to develop its own policy, it must also be realized that external control is normally exercised by legislative action, by city councils and managers, county boards, by prosecutors, by the judiciary, by the civil liability of the police officer, and by citizen complaint. Relationships between these factors and the police must be developed and utilized in the formulation of important law enforcement policy.

V. INDEX OF POLICIES AND PROCEDURES

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STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: ADMINISTRATIVE ISSUANCE OF POLICIES AND PROCEDURES		Number PO-001
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

Traffic Policies and Procedures are for the express purpose of providing members of the agency with administrative interpretation of traffic policy matters of a general nature and further to provide uniform procedures for handling these matters in a more specific manner.

II. Issuing Authority

Policies will, in all instances, be issued exclusively over the signature of _____. Traffic procedures may be issued by the _____ of the Traffic Division, with approval of _____.

III. Responsibility

_____ are responsible for issuing copies of all policies and procedures to members of his command. Each member of the Division (or Department, when appropriate) will be issued a three-ring binder, within which he will maintain the aforementioned policies and procedures in a neat and orderly manner. Each member will be required to read each policy and to acknowledge in writing that he has read and does understand same, within twenty-four (24) hours of the date of issue of the policy or procedure, or within twenty-four (24) hours of the date of the officers return to service, should he be on leave status at the time of issuance.

IV. Inspection

The _____ of the affected division will cause each member's policy and procedure notebook to be inspected, on a regular basis.

Page Two
PO-001

V. Distribution

Each policy or procedure distribution will indicate, on its face, its effective date, its number, the subject matter, special reference information, special instructions, its distribution schedule, its date of re-evaluation and the number of pages.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: TRAFFIC LAW ENFORCEMENT		Number PO-002
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

The purpose of traffic law enforcement is to reduce traffic collisions and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. Our goal will be to meet our objective through a combination of education and enforcement.

II. Policy

It will be this department's policy to educate the public regarding traffic regulations through programs aimed at identifying specific problems, by publishing traffic accident and injury statistics, and by giving notice and warnings of changes in regulations prior to taking enforcement action.

It will be this department's policy to take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, or physical arrest.

III. Violator Contact

Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotionally traumatic experience. In many cases this is the only contact that a person has with our department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

IV. Non-Residents

Since the Uniform Vehicle Code is now being followed, substantially, by a majority of the states, non-residents are rarely subjected to unfamiliar traffic signs or inconsistent regulations. Therefore, unless the traffic regulation is unique to our area, no immunity should be granted because a person is a non-resident.

V. Enforcement of Parking Regulations

Street parking is restricted in various areas of the city to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the city.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy _____

Subject: ACCIDENT INVESTIGATION		Number PO-003
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

The purposes of accident investigation are many: first, to determine the causes, times and places of accident-causing violations, so that appropriate selective enforcement steps may be implemented; and second, to obtain data for traffic and highway engineering improvements; third, to protect the rights of the individuals involved; and fourth, to obtain data that will improve traffic and driver education.

II. Practice

It will be the policy of this department to investigate each traffic accident that it has knowledge of, to prepare reports as required by law on the appropriate form, to submit copies of those reports to the proper agencies, and to advise all parties involved in the traffic accident to complete all reports required by law.

III. Enforcement Action

In all cases when the investigating officer has reason to believe that a violation(s) of law has caused or contributed to the traffic accident, appropriate enforcement action should be taken.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: SELECTIVE TRAFFIC LAW ENFORCEMENT		Number PO-004
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

The purpose of selective traffic law enforcement is to direct police activity where it can accomplish the most good - that is, direct police traffic enforcement activity to pre-selected times, places and types of traffic violations that are known to be accident-causing.

II. Deployment

It will be the policy of this department to maintain records, maps, statistical and visual surveys to determine by location, time and day of week the violations which are causing accidents.

Based on this information, our department will deploy personnel to those specific areas to observe violations and to take enforcement action.

III. Visible Patrol

Any tendency of motorists knowingly to violate traffic laws is deterred by open and visible patrol, and the number of traffic accidents is correspondingly reduced. However, when there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy _____

Subject: CONTROL AND DIRECTION OF TRAFFIC		Number PO-005
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

The purpose of controlling and directing traffic is to facilitate the safe and efficient movement of such traffic. It is the police task to see that traffic moves as safely and as quickly as possible.

II. Method

To accomplish this task, the police must enforce traffic laws, investigate accidents, and direct traffic.

To enforce compliance with traffic laws and to develop driver awareness of the causes of accidents, our department will appropriately warn, cite or physically arrest traffic violators.

Traffic accidents are investigated to protect the rights of the involved parties and to determine the causes of accidents so that appropriate countermeasures may be initiated.

The department will maintain intersection control when and where necessary to direct vehicular and pedestrian traffic and to provide information to the public and assisting in whatever manner necessary.

III. Safety of Officers

The above will be accomplished with consideration of the safety of the officer in mind at all times.

Approved By: _____

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject:		Number
MOTORIST SERVICES		PO-006
Effective Date	Distribution	No. Pages
		1
Reference		Special Instructions

I. Purpose

Often, because there are no other public or private agencies available, the public relies upon the police for assistance and advice in the many routine and emergency situations which can and do develop. For this reason, the police regularly respond to incidents where it is not contemplated that an arrest will be made.

II. General Services

Saving lives and aiding the injured, locating lost persons, keeping the peace and providing for other miscellaneous needs are basic services provided by the department. To satisfy these requests, the department responds to calls for service and renders such aid or advice as is necessitated or indicated by the situation.

III. Motorist Services

Because of the overall danger to the stranded motorist, and also to the motorist on the highway because of the stranded motorist, it shall be the policy of this department to offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, particularly at those times when the hazards are commensurately increased.

Approved By: _____

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: USE OF RADAR		Number PO-007
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

The purpose of the utilization of radar and/or other electro-mechanical speed measuring devices is to make available, to the department, a supplementary tool to assist the department in high or potentially high accident locations when speed is a factor.

II. The Use of Radar and/or Other Electro-Mechanical Speed-Measuring Devices

It will not be the policy of this department to utilize radar for "filler" or slack officer time.

Radar and/or other electro-mechanical speed-measuring devices will not be utilized without prior approval from the _____ of the _____. Such devices will be deployed with the safety of the officer in mind at all times.

It will be the policy of this department to utilize radar, whenever possible, in response to citizens' complaints concerning speeding motorists.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: PURSUIT DRIVING		Number PO-008
Effective Date	Distribution	No. Pages 7
Reference		Special Instructions

I. Purpose

The purpose of this issuance is to establish the department's procedure regarding pursuit driving by officers of the force within the city, county or state.

II. References

Wisconsin Motor Vehicle Code 346.03

III. Policy for Pursuit of Motor Vehicles.

- A. It is the policy of this department that pursuit at high speeds is justified only when the officer knows or has reasonable grounds to believe the violator has committed or attempted to commit a serious felony. A serious felony is one that involves an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury to himself or others.
- B. It is also the policy of this department that members of the force are permitted to resort to pursuit at moderate speeds, if necessary, to apprehend motor vehicle operators who have committed traffic violations, other misdemeanors, or felonies that did not involve an actual or threatened attack which may have resulted in death or serious bodily injury to himself or others. NO OFFICER, AT ANY TIME, SHALL OPERATE A MOBILE UNIT AT SUCH A RATE OF SPEED THAT MAY CAUSE HIM TO LOSE CONTROL OVER THE OPERATION AND/OR DIRECTION OF HIS VEHICLE.

IV. General

- A. The definition of high and moderate speeds obviously depends upon the conditions then and there existing.
1. Every patrol vehicle has a maximum speed at which it may be operated safely. Some of the limiting factors include:

- a. The type and condition of the tires and ambient temperature.
 - b. The brakes related to the known characteristic of fading under severe use.
 - c. The limit of the suspension system to support the vehicle at maximum side thrust.
2. Every driver has a limit to his ability to safely operate a high speed vehicle on a given roadway. Some of the limiting factors include:
- a. Experience and training in high speed operation.
 - b. The degree of familiarity with the roadway being traveled.
 - c. The degree of understanding of the handling characteristics of the vehicles being operated.
 - d. The visibility and illumination available to the operator in the area being traveled.
 - e. The obstacles, both present and potential, that must be avoided.
3. Every roadway has a maximum speed on which a particular vehicle may be operated safely. Some of the limiting factors are:
- a. Lack of straight and level surface.
 - b. Condition and type of road surface.
 - c. The presence of rain, snow, ice, loose gravel or other foreign substance on the road surface.
 - d. The presence of intersection that could allow other vehicles to suddenly and unexpectedly obstruct the roadway.

When the speed of a patrol car nears 100% of the the maximum of any one of the above limits or conditions, that speed is defined as HIGH SPEED regardless of the actual indicated miles-per-hour. There is little or no margin for error when a driver approaches 100% of an absolute maximum. A driver's lack of knowledge and understanding of these maximums is of itself a limiting factor.

When a driver operates a patrol car at a speed between 1/2 and 3/4 of any one of the above maximums, that speed is defined as MODERATE SPEED.

- B. The decision, responsibility, and method of pursuit rests solely with the individual officer. In deciding, he must exercise sound judgement and carefully consider the facts, seriousness of the offense, possible consequences, and safety of the citizens whose protection is his responsibility.
- C. The law permits officers who are engaged in pursuit to exceed the speed limit and to violate other traffic regulations as necessary in order to maintain pursuit for apprehending the violator, but only:
 - 1. If the emergency lights and siren are employed (designating an emergency vehicle), and
 - 2. If the utmost safety is insured for self and others.
- D. Even though the officer is legally engaged in pursuit, by complying with subparagraphs C-1 and C-2 above, he is not relieved of his duty to drive with "due regard" for the safety of all persons, nor is he protected from the consequences of any reckless disregard for the safety of others. He must exercise that degree of care which a reasonable prudent man in the discharge of similar duties and under like circumstances would use. It is understood that the officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, but it is his duty to avoid contributing to the danger already created by the violating motorist.
- E. When attempting to stop a violator who has not yet begun to flee the pursuing officer should, keeping in mind personal safety, try everything within his authority to apprehend the subject without resorting to a high speed chase. It should be remembered that some individuals enjoy being chased by the police solely for the suspense and excitement that the experience may yield.

V. Procedures for Pursuit:

- A. When engaged in pursuit, the pursuing officer should remember that the sooner the subject is stopped or apprehended, the less the opportunity for an accident. Of the utmost importance, he should not endanger the public or himself as a result of his driving techniques.

- B. As soon as the operator of a pursued vehicle increases his speed or drives in such a manner so as to endanger the safety of others, the pursuing officer shall immediately activate the siren and red light, and shall continuously use both throughout the entire pursuit. Officers are reminded that the warning effect of the siren will decrease rapidly as the speed of the pursuit vehicle increases.
- C. When safe to do so, the pursuing officer shall maintain steady communication with the radio dispatcher, relaying information such as the identity of his unit, location, direction of travel, exact reason for pursuit, and other pertinent details which will enable other officers in the area, as well as the dispatcher, to assist. While the pursuit officer is transmitting information to the radio dispatcher and/or other units, he must keep his voice as normal and coherent as possible, and he must not shout. In the case of a two-man police car, the passenger should handle the radio transmissions. Units that have prisoners, witnesses, suspects, or complainants aboard shall not become engaged in pursuit situations.
- D. Units responding to assist should concentrate on covering the streets parallel to the one the pursuit is on, thus creating a "boxing in" effect which will, hopefully, if not capture, at least discourage the violator from continuing his flight. This technique is also advantageous in the event the violator is able to elude the immediate pursuit vehicle, or in case the violator abandons his vehicle and alights on foot. If the violator should abandon his vehicle and flee on foot, the pursuit officer should, before giving foot pursuit, notify the dispatcher of his location, remove his ignition keys, and quickly check the violator's vehicle for other occupants who may have hidden.
- E. To the fullest extent possible, detailed descriptions of the car, license number, and occupants should be obtained and broadcast. Even a partial license number is a valuable aid in quick identification. (In some cases the license number could be obtained while following the motorist preparatory to directing him to stop). If at all possible, the officer should note the license number (on his clipboard or notebook). These notes are valuable in the event the subject is able to avoid immediate arrest.
- F. In the course of pursuit, a safe distance shall be maintained between both cars, as this will enable the pursuing officer to duplicate any sudden turn and lessen the possibility of a collision in the event of a sudden stop. Deliberate physical contact between vehicles at any time will not be justified, except as necessitated at road blocks and under the orders pertaining thereto.

- G. Because of the potential dangers involved, pursuing officers shall not pull alongside a fleeing motorist in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle. It should be noted that if this occurred on a four-lane highway, the danger of a side swipe collision would be increased; and the opportunity for escape would become greater through quick application of the brakes and a sudden turn by the violator.
- H. In order to avoid being arrested, many motorists will take imperiling chances. Regardless of the extenuating circumstances, the pursuing officer shall not duplicate these hazards. In the apprehension of traffic offenders and other violators, an officer must be sensitive to the public's reaction. This means that in all cases, he must operate this vehicle in a manner that shows consideration for his own safety, the safety of the violator whom he seeks to apprehend, and, above all, the safety of others who may be using the roadway. Because of the many handicaps he encounters, the pursuit officer must recognize and accept the fact that he will not be able to successfully apprehend every motorist he decides to stop.

1. Use of Firearms in Pursuit.

- a. It is the policy of the department that each officer shall in all cases use only the minimum amount of force which is consistent with the accomplishment of his mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.
- b. An officer is justified in firing at or from a moving vehicle during pursuit, only:
- (1) to defend himself or another from an attack which officer has reasonable cause to believe could result in death or serious bodily injury to himself or others, or
 - (2) to effect the arrest or to prevent the escape when every other means of effecting the arrest or preventing the escape has been exhausted, of a person who has committed a felony or has attempted to commit a felony in the policeman's presence, or when a felony has been committed and the policeman has reasonable grounds to believe the person he is attempting to apprehend committed the felony; provided, that the felony for which the arrest is sought involved an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury; and, provided further, that the lives of innocent persons will not be endangered if the officer uses his firearm.

(NOTE: This criteria would preclude the use of the service revolver to apprehend persons suspected of unauthorized use of a vehicle.)

- c. The safety of innocent bystanders is to be the primary factor by a police officer in his determination to discharge a firearm at or from a moving vehicle, and the following series of factors must be weighed first: ricochets, danger of a car out of control, and the safety of the hostages.
- d. When a suspect is fleeing from the scene of a crime in a moving vehicle, or the officer is himself in a moving vehicle, it is best to attempt to apprehend the subject through the use of police communications media and cooperative police work--rather than by shooting at the vehicle. Except in the most extreme cases, shots fired at or from a moving vehicle are to be avoided.

2. Use of Roadblocks in Pursuit

- a. Because of the extreme and obvious dangers inherent in the use of roadblocks in pursuit situations, it is the policy of this department that setting up roadblocks for the purpose of apprehending wanted suspects shall not be employed when it is apparent that innocent persons would be endangered.
- b. Once a roadblock has been ordered and a departmental vehicle has been stationed as part of a roadblock, no one shall remain in the vehicle.

3. When to Abandon Chase

- a. The pursuing officer must at all times use his best judgment in evaluating and re-evaluating the chase and make a continuous appraisal of it in deciding whether he should continue the pursuit. Never should the element of any personal challenge to the officer enter into his decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action. Officers of the force should discontinue any chase when:
 - (1) The hazards of exposing the officer and the public to unnecessary dangers are high, or
 - (2) The environmental conditions indicate the futility of continued pursuit, or

- (3) The offense is a misdemeanor and the identity of the violator is known, or
 - (4) The pursuing officer knows, or is almost certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a felony that did not involve an actual or threatened attack, such as Unauthorized Use of a Vehicle, and the safety factors involved are obviously greater than a juvenile can cope with.
- b. It is difficult to describe exactly how a fleeing motorist could or should be apprehended, except that it must be done legally and safely. It is also difficult to list any particular traffic regulations that pursuing officers could or should not disregard. Likewise, one cannot set a safe, maximum pursuit speed, or designate the limit of the number of police vehicles involved. Each individual chase is unique within itself. The pursuing officer, in a short period of time, will have to use his own judgement; collect his total resources, including his training and overall experience, bearing in mind the policy, procedures, and guidelines outlined in this issuance; and apply them collectively to the existing circumstances. If the officer feels certain that his pursuit is justified according to the established criteria and it can be performed safely, he should continue with the intent to apprehend the suspect but only while exercising the maximum of safety to all concerned. Officers should never be indifferent to the safety of the public; and every endeavor should be made to handle pursuit with such care and finesse that they can rationally be justified as a help, not a hazard, to highway safety.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: RELEASE OF INFORMATION TO MEDIA		Number PC-009
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish a fair and feasible policy of releasing information to media.

II. Method

A. Guidelines

1. The following information in traffic cases may be made public:
 - a. The name, age, residence, employment, marital status, and other similar background information may be given;
 - b. Identification of offense(s) charged;
 - c. The circumstances immediately surrounding the arrest, i.e., time and place of arrest, whether a pursuit occurred (do not relate details), possession and use of weapons, and a description of items seized at the time of arrest.
 - d. The identity of the investigating and arresting officers.
2. Members of this department shall not make the following information public:
 - a. Names of any juveniles;
 - b. Opinions or other statements as to the character, reputation, guilt, or innocence;
 - c. Opinions or other statements as to the character or reputation, of a prospective witness, opinion, speculation, or other statements concerning the credibility or anticipated testimony of prospective witnesses;

- d. Alleged admissions, confessions, or the contents of statements of alibis attributed or attributable to the accused;
- e. References to the performance or result of investigative procedures or tests, such as fingerprints, polygraph examination, ballistic tests, or other laboratory tests or to the refusal of the accused to take a test, except refusal to take a chemical test for alcohol impairment;
- f. Information or speculation regarding the possibility of a plea of guilty to the offense charged or to a lesser offense or other disposition of the charge or case;
- g. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at the trial;
- h. Statements concerning physical or oral evidence.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: EMERGENCY MEDICAL SERVICES PREPAREDNESS		Number PO-010
Effective Date	Distribution	No. Pages
Reference		Special Instructions

I. Purpose

Cooperate with other law enforcement agencies in the county in the development and implementation of Emergency Medical Services (EMS) response with trained personnel and adequate equipment. To work with the Division of Health, local hospitals and medical centers, existing ambulance services and the Vocational, Technical and Adult Education system to insure that sufficient people are trained and adequate equipment is available to provide a 20-minute response to the scene of a traffic crash.

II. Methods

- A. Work with current EMS providers to identify needs for additional training and equipment.
- B. Work with other law enforcement agencies in the county to develop a plan for calling an EMS service provider to respond to a traffic crash in identified geographical areas of the county.
- C. Work with private ambulance services, fire protection agencies, and other municipal agencies offering emergency ambulance service in developing a planned service response area.
- D. Work with local political subdivisions to establish training programs utilizing their VTAE district and/or other EMS technician training programs that are available.
- E. Work with local political subdivisions, private operators and municipal agencies to determine ambulance needs and strategic location of such vehicles.

- F. Countywide EMS planning commissions and regional EMS planning agencies should provide law enforcement agencies and ambulance service providers with a directory, and changes in the directory, of EMS availability in each respective political subdivision and adjoining political subdivisions.
- G. When the foregoing steps are developed, contact must be made with the Regional Health Planning Agency (multi-county) to insure that the countywide plan must coincide with the regional plan for EMS availability.
- H. Work with local political subdivisions, private operators and municipal agencies to establish a uniform service fee for providing ambulance service. All law enforcement agencies and EMS providers shall be provided with this schedule.

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Policy

Subject: PEDESTRIAN AND BICYCLE ENFORCEMENT		Number PO-011
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

The purpose of this issuance is to establish the department's policy regarding the enforcement of Pedestrian and Bicycle Laws and Ordinances, within the city, county or state.

II. Policy for Pedestrians and Bicyclists

- A. It shall be the policy of this department to enforce Chapters 341 through 349 of the Wisconsin Statutes and to enforce local ordinances therewith under Chapter 349 as they pertain to pedestrians and to the operation of a bicycle.
- B. All officers enforcing traffic laws and ordinances shall read and sign the Procedure sheet for pedestrian and bicycle enforcement. The signed forms will be kept on file.
- C. Officers observing violations must issue a pedestrian or bicycle violation notice using the enforcement guidelines. (The notice consists of name, address, birth date, parent or guardian name, bicycle description, date, time, location, license number, violation and whether it is an equipment violation or a moving traffic violation. The back of the form lists common violations which can be circled to describe violation.)
- D. Following the writing of the violation notice - if under 16, all copies will be returned to the office where a clerk determines whether it is a first offense, a second offense or a third offense within one year. If under 16, first offenders will have a letter and a copy of the notice sent to their parent(s) or guardian(s). Second offenders will have a letter and a copy of the notice sent to their parent(s) or guardian(s) requesting their presence at the agency office with the offender. Third offenders will be required to appear in juvenile court.

If over 16, the uniform citation or written warning will be given directly to the offender. If it is a second or subsequent offense, a uniform citation will be issued.

(The record system consists of filing the white copy in a file box or drawer under the violator's name. A card file box for 5 x 7 cards with alphabet tabs may be adequate. When filing notices according to name, it can be determined what number offense it is and the correct letter sent. The pink copy will be sent to the parent or guardian and the yellow copy sent to the court if court appearance is required.)

- E. All motor vehicle accidents involving either pedestrian or bicyclists involving injury or property damage over \$200 shall be reported on the State Uniform Accident Report form. (It is suggested that accident forms be filed by location rather than date or name. High frequency accident locations can thereby be monitored.)

Approved By:

I have read and understand this policy.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: CODING OF POLICIES AND PROCEDURES		Number PR-001
Effective Date	Distribution	No. Pages 3
Reference		Special Instructions

I. Purpose

To establish a uniform procedure in coding all policies and procedures.

II. Method

A. Identification - each policy or procedure that is prepared shall be so labeled in the appropriate place on the cover sheet of the policy or procedure.

B. Effective Date -

1. The issuing authority shall indicate, in the appropriate place, the effective starting date of the policy or procedure.
2. In no case shall a policy or procedure have a retroactive effective date.
3. In each case where there is a likelihood of a policy or procedure having a negative effect on department or public morale, or where prior training or public education would increase the likelihood of its success, then the issuing authority will, whenever possible, publish or display such policy or procedure but delay the effective date for a period of time which, in his judgement, is desirable.

C. Number -

Each policy and procedure shall be issued a number that will designate it to be either a policy or procedure, the year in which it is issued, and its number of issuance.

Example:

PO-001 indicates that this policy was the first issued.

PR-002 indicates that this procedure was the second issued.

D. Subject -

The space reserved for Subject will include a short description of the contents of the policy or procedure.

E. Reference -

Refer, by number and by cross-referencing to all related policies and procedures.

F. Special Instructions -

This space would normally be reserved to indicate which previous policies and procedures are rescinded with the current issuance.

G. Distribution -

An indication of to whom the policy or procedure should be issued to.

Example:

Primary Code

- A - All Command Personnel
- B - All Supervisory Personnel
- C - All Line Personnel
- D - All Dispatchers
- E - All Civilian Personnel
- F - All Personnel
- G - Approved for Public Release

Secondary Code

- 1. All Divisions -
- 2. Traffic Division
- 3. Juvenile Division
- 4. Detective Division
- 5. Patrol Division

Thus, a policy or procedure that is to be distributed to all command personnel within the traffic division would have the distribution code A-2.

A policy or procedure that is to be distributed to all personnel, in all divisions and is further approved for public release, would be coded FG-1.

H. Re-Evaluation -

There shall be a continuing review of all policies and procedures with recommendations to the _____ that they be continued, discontinued, or modified. Thus, no policy or procedure should be considered permanent.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: TRAFFIC CRASH INVESTIGATION		Number PR-002
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

- A. To establish traffic crash investigation procedures.
- B. To establish information needed on traffic crash report forms.
- C. To establish the forms to be used in connection with traffic crashes.

II. Procedure - Investigation of Vehicle Crashes

- A. An official State of Wisconsin Motor Vehicle Accident Report (MVD-4000) will be filled out for all traffic crashes required to be reported as set forth in Wisconsin Stats. ss. 346.70 (4)(a) and (b).
- B. Officers will complete Form MVD-4000 following the instructions set forth in the manual (1973 Edition) for completing the State of Wisconsin "Uniform Traffic Accident Police Report" and on the cover of the MVD-4000 pad.
- C. The investigating officer shall determine how and why the crash occurred based on his investigation, opinion, and written statements of drivers and witnesses.
- D. Copies of Form MVD-4000 shall be distributed in accordance with the manual, Wisconsin Stats., ss. 346.70 (4)(a), and departmental policy.

III. Traffic Crash Report Forms

- A. Uniform Traffic Accident Police Report (MVD-4000)
 - 1. It will be the individual officer's responsibility when starting a work shift to equip or ensure that he had sufficient Uniform Traffic Accident Police Report forms for the entire shift.

2. Officers shall make every effort to complete MVD-4000 before completing tour of duty. If some information is not available, an incomplete report shall be filed with a note that a supplemental report will be submitted as soon as all information is obtained.
3. All reports will be completed in a neat and legible manner.

B. Exchange of Crash Information (Form MVD-3019 [SR-19])

1. To assist, and for the convenience of drivers involved in accidents, officers will provide each driver with MVD-3019 form and instruct them to submit forms, completed as fully as possible, within 10 days of the crash as set forth in Wis. Stats., ss. 346.70 (1).
2. Officers will provide the drivers with the necessary information to complete Form MVD-3019.

Submitted By:

I have read and understand this procedure.

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: PRELIMINARY PROCEDURES AT SCENE OF TRAFFIC CRASH		Number PR-003
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish preliminary procedures at scene of traffic accidents.

II. Method

- A. If the investigating officer has witnessed the traffic accident, he will report this to his agency and immediately assume initial responsibility for the investigation of the accident.
- B. If the officer does not witness, but is assigned the responsibility of the traffic accident, he will proceed to the scene, exercising the highest degree of care and caution when proceeding to the accident scene, and will operate his patrol car as an emergency vehicle only in those instances which are, in his judgement, extreme emergencies; when such a decision is made, he shall comply with the state statute covering the operation of emergency vehicles.
- C. Upon arrival at the scene, the officer will park his vehicle so that its potential as a hazard will be minimized; the warning and oscillating lights shall be used when the patrol vehicle is parked in the roadway, and also when the patrol vehicle is parked off the roadway as long as a substantial possibility of a subsequent accident exists.
- D. Officer will make initial determination as to need for ambulance, wrecker or other special equipment, and immediately advise his agency.
- E. Officer will render necessary first-aid to injured persons and solicit aid of citizens when necessary.
- F. Officer will protect scene as required for further investigation. This shall be accomplished by commandeering citizens to direct traffic or the placement of flags, fusees, etc.

- G. Officer will collect evidence and information by interviewing all involved parties, make any necessary arrests, and complete all required reports.
- H. At the scene, the officer will protect personal property, involved vehicles, and other persons using the street or highway.
- I. Officer will, as quickly as is feasible, return the flow of traffic to normal.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure _____

Subject: ARMED FORCES PERSONNEL INVOLVED IN TRAFFIC CRASHES		Number PR-004
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish a procedure when Armed Forces personnel are involved in a traffic crash, and are either killed or injured to the extent that they require hospitalization.

II. Method

A. The investigating officer shall advise his headquarters that military personnel/vehicle are involved in a traffic crash. Headquarters personnel shall take steps to notify the nearest Armed Forces Unit which is _____. Armed Forces personnel shall include:

1. Regular members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and reservists who are on active duty.
2. Civilian employees of the Armed Forces while acting within the scope of their employment.

Approved By:

I have read and understand this procedure.

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: DANGEROUS SUBSTANCES INVOLVED IN TRAFFIC CRASHES		Number PR-005
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish procedures at the scene of traffic crashes that involve potentially dangerous substances.

II. Method

A. Ascertain danger of materials involved:

1. From driver.
2. Bill of lading
3. Hazardous symbol markings.

The United States Department of Transportation requires vehicles transporting hazardous or dangerous substances to display exterior markings (placards) on the vehicle. A two-digit guide number is added to the placard, and directs the emergency service unit to a specific Guide which provides general information on the safe handling of that article in transportation emergencies.

References - A Manual of Transportation Emergency Guides;
February 1972, Manufacturing Chemists Association,
1825 Connecticut Avenue, N.W., Washington D. C.

Emergency Services Guide for Selected Hazardous
Materials; Second Printing, April 1974, U. S. Department
of Transportation, Office of Hazardous Materials.

Prevention of Accidents at Accident Scene; Wisconsin
Department of Transportation, Division of Highways.

(If you would like copies of these references, please write to the
Governor's Division of Highway Safety Coordination, 131 West
Wilson Street, Suite 803, Madison, Wisconsin 53702)

- B. Request assistance from the fire department in cases involving explosive, flammable substances, or other dangerous materials.
- C. Officer shall keep all persons and conveyances at a safe distance from the substance, liquid run-off, or gaseous vapor. (Headquarters will notify the nearest Department of Natural Resource representative).
- D. Immediately cause headquarters to be notified in cases involving radioactive or other toxic materials. In cases of crashes involving radioactive material, the appropriate representative from the Office of Emergency Government shall be notified.
- E. Evacuate occupied dwellings in endangered areas.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: FATAL TRAFFIC CRASH		Number PR-006
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish a procedure to be used at the scene of a fatal traffic crash.

II. Method

- A. Indicate notification to dispatcher of severity of crash and possible fatality.
- B. Protect scene, take necessary measurements and photographs of the scene.
- C. At the scene, allow no one to search the body, except the officer in charge of investigation, medical examiner or coroner.
- D. Investigating officer or his supervisor shall cause the deceased person's next of kin to be notified. Whenever practicable, the notification shall be made in person. If the deceased person's next of kin lives outside of the investigating agency's jurisdiction, the appropriate law enforcement agency shall be requested to make contact.
- E. If religious preference is identified, notification of clergy is recommended.
- F. Identify all possible witnesses for future purposes.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: HIT AND RUN TRAFFIC CRASHES		Number PR-007
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish an investigatory procedure to be followed at hit and run traffic accidents.

II. Method

- A. An officer shall conduct an investigation and complete an appropriate report when a traffic crash results in property damage or personal injury and the elements of hit and run are indicated.
- B. An officer at the scene of a hit and run traffic crash shall, without delay dispatch initial descriptions and all subsequent information to headquarters for dissemination to other patrol vehicles and other law enforcement agencies when:
 - 1. Hit and run felony is indicated, or;
 - 2. A hit and run misdemeanor driver is suspected of being under the influence of an intoxicant, or;
 - 3. Extensive property damage has occurred.
- C. Officer at scene of hit and run crash will complete accident investigation as thoroughly as possible considering all evidence available at scene.
- D. All evidence collected at the scene will be identified and preserved.
- E. Headquarters shall maintain a pending file on incomplete hit and run investigations.
- F. Headquarters shall forward to the Division of Motor Vehicles available information on hit and run investigations within 10 days as prescribed by Wisconsin Statutes.

- G. Headquarters shall forward supplemental reports to Division of Motor Vehicles if and when hit and run investigation is completed.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: REPORTING TRAFFIC CRASHES NOT INVESTIGATED AT SCENE		Number PR-008
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish a procedure for reporting traffic crashes not investigated at the scene.

II. Method

- A. When a report is taken at a location other than at the scene of a traffic crash, the person taking the information shall obtain the reporting person's name and the date and location of the crash.
- B. After obtaining this information, the person shall complete the Wisconsin Uniform Traffic Accident Report (Form MVD-4000).
- C. A supervisor shall be contacted for advice prior to completing the report when the traffic crash involves death, an alleged traffic felony, a departmental employee or vehicle or any possibility of (City/county/state) liability.
- D. All traffic crash reports, regardless of severity, will be filed.

Approved By:

I have read and understand this procedure.

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: ISSUANCE OF WISCONSIN UNIFORM TRAFFIC CITATION AND COMPLAINT		Number PR-010
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

Uniformity of compliance

II. Method

Comply with Wisconsin Statutes, Section 345.11 regarding Uniform Traffic Citation and Complaint.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: CRASHES INVOLVING PATROL VEHICLES		Number PR-009
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish a procedure to follow in the event of a crash involving a patrol vehicle.

II. Method

A. Duty of officers involved in crash:

1. An officer who is involved in a crash while driving a patrol vehicle shall, by the quickest means practical, notify his immediate supervisor of the location of the crash, the extent of injuries to persons involved, and the extent of property damage.

B. Supervisor's duty to investigate and report:

1. The supervisor shall investigate or have investigated all crashes occurring involving officers driving patrol vehicles. This responsibility should not be delegated to a subordinate unless conditions make it impractical for the supervisor to personally investigate the crash.
2. The investigating officer shall obtain the names, addresses, driver license numbers, registration numbers and insurance information (company and policy number, if available) of all drivers involved in the crash. The names and addresses of all witnesses of the crash shall be obtained when possible. This investigation shall include measurements, diagrams and photos of scene.
3. The investigating officer shall make immediate arrangements to have the damaged police car removed, if necessary. The officer shall not attempt to drive a damaged patrol vehicle unless the damage is minor.
4. Supervisors shall report such crashes to his superior.

C. In all cases:

Supervisors shall forward to their _____ all necessary information.

D. Patrol Vehicle Crash Review Board:

1. Investigative reports of traffic crashes involving patrol vehicles will be reviewed by the affected officer's _____. The _____ will determine if the crash is preventable on nonpreventable and, if preventable, the approximate degree of negligence. A preventable crash is one in which the driver of the patrol vehicle failed to do everything he reasonably could have done to prevent it. Careful consideration should be given in determining preventability and negligence when the officer is engaged in hazardous pursuit. If the _____ determines the crash to be preventable, he shall arrange for an interview with the affected officer at the earliest opportunity.
2. The _____ may take disciplinary action against officers involved in preventable crashes, subject to the approval of the _____.
3. The _____ may convene a Patrol Vehicle Crash Review Board as he deems necessary to review reports of traffic crashes involving officers. The Board may be composed of department members designated by the _____. After careful consideration of all the facts and evidence relative to each case, the Board Chairman shall recommend to the _____ such corrective action and/or disciplinary measures as the Board deems advisable.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: COMPLAINTS SIGNED BY CITIZENS		Number PR-011
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish a procedure for handling citizen complaints concerning violations of traffic regulations.

II. Method

- A. The officer must determine that there is sufficient evidence available to prove the charge and that a person is identified against whom a complaint may be signed.
1. If only a vehicle license number and owner is known, there is not enough information to sign a complaint.
 2. If information received from the citizen is sufficient to reasonably establish that a traffic violation has been committed, the officer and/or the complainant will present the information to City/District attorney for further action.
 3. When needed, witnesses other than complainant, shall be listed in the report.
- B. All complaints shall be duly recorded and filed, whether or not any further action is taken.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: <div style="text-align: center;">BREATHALYZER TESTS</div>		Number <div style="text-align: center;">PR-012</div>
Effective Date	Distribution	No. Pages <div style="text-align: center;">2</div>
Reference		Special Instructions

I. Purpose

- A. To obtain evidence to support an arrest for operating a motor vehicle while under the influence (O.M.V.W.I.) of an intoxicating beverage by use of the Breathalyzer instrument.
 - 1. The results of the breathalyzer test should be employed to confirm conclusions drawn from physical observation by the arresting officer.
- B. Every person arrested on a charge of O.M.V.W.I., Wisconsin Stats., s. 343.305 (Implied Consent Law), requires them to submit to a chemical test or have their driving privileges suspended for a period of 60 days.

II. Method

- A. Place violator under arrest for driving or operating a motor vehicle while under the influence of an intoxicating beverage.
 - 1. Issue the violator a citation for violation of s. 346.63 (1)(a) of the Wisconsin Statutes.
 - 2. Complete the top section of the Alcoholic Influence Report (Form MVD-4005) (Down to the "Witnesses" section) on arrival at the police facility.
 - 3. Complete the top section of "Informing the Accused" report (Form 4197)
 - 4. If the violator refuses to submit to the chemical test, complete "Report of Refusal to Submit to a Chemical Test" form, which is the bottom section of form MVD-4197.
 - 5. If violator consents, proceed with breathalyzer test and complete form MVD-4036.

6. Record results of chemical test in appropriate space provided on form MVD-4197.
 7. Complete balance of the Alcoholic Influence Report (Form MVD-4004).
 8. Send the white copy of the Report of "Refusal to Submit to a Chemical Test" (Form MVD-4197) to a court of record in the county in which the arrest was made within five days.
 9. Give the violator the yellow copy of the "Report of Refusal to Submit to a Chemical Test" (Form MVD-4197).
 10. Send the complaint copy (white) of the citation, the original copy of the Breathalyzer Test Report (Form MVD-4036), all Test Record Cards, the original copy of the Alcoholic Influence Report (Form MVD-4005), the original copy of the Informing the Accused Report (Form MVD-4197) to the court officer.
 11. Leave the pink copy of Alcoholic Influence Report (Form MVD-4005), pink copy of Breathalyzer Test report (Form MVD-4036), pink copy of the Informing the Accused report (Form MVD-4197) in log book at the Breathalyzer site.
- B. The Breathalyzer instrument will only be operated by those officers possessing a valid certification card in accordance with MVD 25.11.
- C. O.M.V.W.I. Arrest at Accidents.
1. When an officer has reasonable grounds to believe a driver of a motor vehicle involved in an accident not witnessed by the officer, is under the influence of an intoxicating beverage, that driver should be arrested and issued a citation. (Refer to Wis. Stats. s. 345.22 covering traffic regulations, or in the case of a second offense 968.07 (d) which covers crimes.)
 2. The same procedure as outlined in Section A will be used.
- D. When a vehicle operator is injured in a traffic crash to the extent that hospitalization is required, and also while under the influence of intoxicants or other substance, the officer shall take the driver to a hospital and have a blood test conducted by a physician or his designee.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: REPORTING HAZARDOUS CONDITIONS		Number PR-013
Effective Date	Distribution	No. Pages 2
Reference		Special Instructions

I. Purpose

To establish a procedure to identify and report hazardous highway conditions and hazardous roadside conditions.

II. Definitions

A. Hazardous Highway Conditions

1. Defects in the roadway itself (holes, ruts, or dangerous shoulder.)
2. Lack of, or defects in, highway safety features (center and side-of-the-road striping and reflectors.)
3. Lack of improper, damaged, destroyed or visually obstructed traffic control and informative signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification.)
4. Lack of improperly located or malfunctioning mechanical traffic-control devices.
5. Lack of or defective roadway lighting systems.
6. Natural or man-caused obstructions (fallen trees and rocks, litter, parts of vehicles, broken water mains, and electrical wires.

B. Hazardous Roadside Conditions

1. The term "Roadside Hazard" shall refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary damage to people or property. Roadside hazards included in this definition are:

- a. Rigid non-yielding supports for traffic control devices and lights or the non-performance of safety installations (i.e., breakway sign supports that fail to function properly.)
- b. Guard rails which may spear cars or otherwise may fail to guide a vehicle to a safer environment in the event of impact; in some cases guard rails may present hazards because they are not strong or high enough or even unnecessary or improperly located.
- c. Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway and minimize damage to the vehicle and danger to traffic below the bridge.
- d. Gore areas, bridge abutments and other hazardous fixed objects built off the roadway into which a vehicle might crash with high injury severity.
- e. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations, and other fixed objects in and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

III. Method

- A. When a hazard is identified and, in the officer's opinion such hazard requires immediate correction (such as a fallen tree or downed electrical wire across or on any part of the traveled portion of the highway) he will immediately inform his station of this situation, of what assistance or special equipment is required, and will proceed to protect the scene, protect bystanders, direct traffic or employ whatever means are necessary until the situation is corrected.
- B. When a hazard is detected that represents a potential accident situation, but the threat of such is not imminent, the officer shall immediately make a written report with recommendation for correction, and submit to his supervisor as soon as possible.
- C. The supervisor shall immediately submit the field report to the proper agency.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: ESCORTS		Number PR-014
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish procedures for the provision of escort services.

II. Method

- A. Emergency vehicles, particularly ambulances, shall not be escorted by officers except under special circumstances. Two emergency vehicles travelling together more than doubles the hazard to traffic. One exception will be to escort an emergency vehicle from the city limits to a hospital when the driver of the emergency vehicle is not familiar with the location of the hospital.
- B. Whenever possible, officers shall avoid escorting private automobiles on emergency runs. If an escort is necessary and the patient can be transferred to the patrol car without jeopardizing his life, he shall be transferred to the patrol car for the emergency run.
- C. Officers shall not escort funerals or direct traffic for funerals without permission of the _____.
- D. Routine requests for escorts - Escorts will be provided for any individual organization or group when authorized by the _____.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: HANDLING ABANDONED VEHICLES, VEHICLES IN HAZARDOUS CONDITION AND CUSTODIAL CARE OF VEHICLES OF ARRESTED PERSONS		Number PR-015
Effective Date	Distribution	No. Pages 3
Reference		Special Instructions

I. Purpose

To establish procedures to be employed when discovering abandoned vehicles, vehicles in hazardous condition, and custodial care of vehicles of arrested persons.

II. Authority

A. The police have such authority under the following circumstances:

1. When any vehicle is left unattended upon any bridge, viaduct, causeway, subway, tube or tunnel where such vehicle constitutes an obstruction to traffic.
2. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
3. When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
4. When a vehicle is found being driven upon the street or highway and is not in proper condition to be driven.
5. When a vehicle is left unattended upon a street or highway continuously for more than ____ hours and may be presumed to be abandoned.
6. When the driver of such vehicle is taken into custody by an officer and such vehicle would thereby be left unattended upon the street or highway.
7. When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.

8. When a vehicle is found parked in a "No-Parking" zone designated by a governmental authority and so marked with proper signs and marking.

B. Abandoned/Stolen Vehicles

1. Conduct National Crime Information Center (N.C.I.C.) check to determine status of operator and vehicle.
 - a. Determine if vehicle is to be held for evidentiary purposes.
 - b. If vehicle is not to be held for evidentiary purposes, contact the owner.
 - c. If vehicle stolen, have towed to a secure area.
2. Inventory and log all property found within abandoned/stolen vehicles. Record shall include:
 - a. Year and Make of Vehicle
 - b. Vehicle or engine number
 - c. Style of body and color
 - d. Year of and license number
 - e. Place of abandonment
 - f. State of license
 - g. Time and date taken into custody
 - h. Location where vehicle is held
 - i. Name of informant, if any.

III. Method

A. Physically arrested persons

1. In the event the driver or owner of a vehicle is arrested, the vehicle shall be handled in the following manner:
 - a. If permission is obtained from owner or driver, and the manpower is available, the vehicle will be driven to secured area.

- b. If permission is not obtained from owner or driver, a towing service shall be called to remove vehicle to a secure area.
 - c. The vehicle may be released to a responsible person designated by the arrestee after proper ownership has been established, and if vehicle is not needed for evidence.
 - d. Disposition of vehicle shall be properly recorded at headquarters.
- B. Vehicles parked unlawfully on private property, streets or highways maybe removed in accordance with Wis. Stats. ss. 342.40 and 349.13 (3).

Towing charges shall be reimbursed in accordance with Wis. Stats. ss. 342.40 (3)(b).

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: NOTIFICATION OF NEXT OF KIN		Number PR-016
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish department procedure in making notification in the event of death or serious injury.

II. Method

- A. Every effort should be made to locate and notify the nearest relative as soon as possible.
- B. Extreme tact should be exercised by the officer when making notification.
- C. If relatives live within the city, notification will be made in person by a member of the department.
- D. Relatives residing outside the city limits will be notified by the law enforcement agency in that jurisdiction.
- E. Telephone notification will be utilized ONLY WHEN all other methods are not feasible, and ONLY WHEN approved by the supervisor.
- F. If religious preference is identified, notification of clergy is recommended.
- G. Cooperation of press and other news media will be requested with reference to withholding identity of subject.
- H. A report will be completed containing name, address, relationship, date, time, notifying officer and any other pertinent information.

Approved By: _____

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: OFFICERS COURTROOM DECORUM AND TESTIMONY		Number PR-017
Effective Date	Distribution	No. Pages 3
Reference		Special Instructions

I. Purpose

To establish procedures to be followed while testifying in court.

II. Method

A. Attending Court

1. Officers shall attend court at times required and be prepared to testify. If unforeseen emergency circumstances prevent an officer's prompt attendance in court, he shall, by the fastest means, notify his supervisor and court officials and request a delay in the case(s) until a specified time.
2. Officers shall respond to a subpoena from a federal or state court as a first priority activity and shall promptly inform his supervisory officer about the subpoena.
3. Officers shall respond to the first subpoena served when they are ordered to report to two separate courts of equal ranks at the same time. Officers shall respond to a subpoena from a federal court or a superior court in preference to conflicting subpoenas from a lower court, even though the latter is served first. However, in all cases, officers shall promptly notify the second court of the subpoenas served from the first court. Officers shall always keep supervisors informed of involvement in criminal or civil litigation.

B. Personal appearance and courtroom demeanor

1. Officers shall comply with the directive of the court regarding firearms.
2. Officers shall be neat in their personal appearance and conduct themselves with dignity. Loud conversations shall not be engaged in. Officers will refrain from continually moving about in the courtroom or slouching in chairs while waiting to testify.

3. Officers shall avoid any action that would indicate a special interest in securing a conviction or give an outward appearance of dissatisfaction on decisions. A position of an impartial public servant seeking justice is the only position justified.

C. Basic rules concerning testimony

1. Before appearing in court, officers shall organize and read the notes and consider the manner in which they intend to testify. Notes should be taken to court.
2. Officers should make every effort to discuss the matter with the prosecutor before the trial.
3. Officers shall follow these rules when testifying:
 - a. Tell the truth.
 - b. Talk in customary manner.
 - c. Speak clearly, slowly, and loud enough to be heard.
 - d. Do not answer a question until it is understood.
 - e. Correct, without delay, any mistakes in testimony.
 - f. When testifying before a jury, questions should be answered with divided attention between the jury and the person asking the question.
 - g. When testifying before a judge, questions should be answered with divided attention between the judge and the person asking the question.
 - h. Do not give the impression to the court that there is any animosity toward the defendant or his counsel.
 - i. Be respectful.
 - j. Answer questions concisely.
 - k. Speak in response to a question. Do not volunteer information which has nothing to do with the question which has been asked.
 - l. Do not distort or conceal any facts.

- m. Sit erect on the witness stand; do not slouch, fidget, or assume an unnatural position.
- n. Take and leave the witness stand with dignity and confidence.
- o. Avoid loss of temper.
- p. Do not try to be humorous or sarcastic.

Approved By:

I have read and understand this procedure.

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: POLICE EQUIPMENT IN PATROL VEHICLES		Number PR-018
Effective Date	Distribution	No. Pages 1
Reference		Special Instructions

I. Purpose

To establish a uniform procedure to insure that patrol vehicles are equipped with all necessary equipment.

II. Method

A. Each patrol car is to be equipped with the following equipment:

(Due to the variance in equipment owned by each department, no attempt is made here to list equipment that should be carried in your patrol vehicles.)

B. Checking of Equipment

1. Each officer is responsible to see that the vehicle he is assigned to is equipped with the above items.
2. Equipment that is missing or destroyed will be immediately reported to proper supervisor orally and/or in writing, giving all pertinent information pertaining to the loss of equipment.
3. Supervisor shall determine who will be responsible for replacement of missing or destroyed items.
4. Supervisor shall take immediate steps to supply officers with all necessary equipment to perform their duties.

C. Inspection

1. The supervisor in charge of the shift will conduct a complete inspection of all equipment required in all patrol vehicles once each (day) (week) (month).
2. A written report of the inspection will be submitted to the _____ for review.

Approved By: _____

I have read and understand this procedure. _____

Signature

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: AIRCRAFT CRASHES		Number PR-019
Effective Date	Distribution	No. Pages
Reference		Special Instructions

I. Purpose

To establish guidelines for law enforcement agencies for those occasions when an aircraft may crash within their respective jurisdiction.

II. Method

Due to local geography, population and services available, each law enforcement agency should develop a procedure to suit that agencies need.

III. References

Several law enforcement agencies have an approved guideline for handling aircraft crashes. For your assistance, the Council on Traffic Law Enforcement recommends contacting the Sheriff of Rock County in Janesville or the Chief of the Brown County Traffic in Green Bay, for a copy of their respective guidelines.

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: PEDESTRIAN ENFORCEMENT		Number PR-020
Effective Date	Distribution	No. Pages 7
Reference		Special Instructions

I. Purpose

To establish a uniform procedure for handling violations of pedestrian regulations.

II. Method

A. Regarding violators 16 years of age and older

1. On the first offense, a written warning or uniform citation shall be issued at the discretion of the officer.
2. On the second and each subsequent offense, a uniform citation shall be issued and the violator shall be required to a) forfeit bond as prescribed in the state statutes and local ordinances or b) appear in traffic court.

B. Regarding violators under the age of 16

1. On the first offense, a violation notice shall be issued and a copy of the notice along with a letter shall be sent to the parent(s) or guardian(s).
2. On the second offense, a violation notice shall be issued and the parent(s) or guardian(s) shall be requested to appear at the police station with the violator.
3. On the third and each subsequent offense, a violation notice shall be issued and the offender required to appear in juvenile court.

C. Accident Reports

1. File accident report as prescribed in Wisconsin Statutes, ss. 346.66 - 346.70.

Approved By: _____

I have read and understand this procedure.

Signature

Please circle appropriate violation(s).
BICYCLE VIOLATION

1. Failure to stop for sign or signal
2. Failure to yield right-of-way
3. Failure to signal/improper signal
4. Failure to obey signs (Describe)
5. No light
6. No reflector
7. No brakes
8. Driving two or more abreast
9. Operating over centerline
10. Improper turn
11. Lane deviation
12. Riding double
13. Speed too fast
14. Inattentive driving
15. No hands
16. Wrong way on one way
17. Driving against traffic (on left)
18. Trick riding (Describe)
19. Driving on sidewalk
20. No license
21. Other

PEDESTRIAN VIOLATION

1. Crossing at place other than crosswalk
2. Walking on wrong side of roadway
3. Soliciting ride from roadway
4. Loitering in roadway
5. Walking against Don't Walk light
6. Sudden movement into roadway
7. Other

(back)

- ☐ PEDESTRIAN VIOLATION NOTICE
☐ BICYCLE VIOLATION NOTICE

Department

No.

Name..... Last..... First..... Middle..... Address..... Street..... City..... State.....

D.O.B..... Guardian..... Name..... Address.....

Description of Bike..... Make..... Color..... Serial No..... Style.....

Date..... Time..... License No.....

Violation..... (see list on back)..... Statute/Ord. No.....

School..... Officer.....

☐ Moving Traffic Violation

☐ 5 Day Warning - Equipment

The violation must be corrected in 5 days and checked by an officer of the Department. If the violation is not corrected the matter will be referred to the juvenile court, or in the case of an adult to the City Attorney for further action.

Date of correction.....

Officer's Initials.....
(For office use only)

☐ 1st Violation ☐ 2d Violation

☐ 3d Violation

(front)

(Pedestrian First Violation Letter)

Dear Parent or Guardian:

_____ was
issued a Pedestrian Violation Notice for the following violation

This occurred on _____ (date) _____ Time _____
Location _____

The purpose of this notice is to impress upon juvenile pedestrians a proper regard for the rules of traffic safety thereby enabling them to protect their own lives as well as the lives and property of others. We believe that the experience they receive in connection with their receiving this notice will be of real value to them as they grow older and graduate from walking to automobiles.

By assisting your child to cultivate courteous, sensible safety habits, you will be spared many anxious moments and your child will enjoy to the fullest all of the pleasant and healthful experiences of walking.

In the interest of safety, talk with your child and explain the rules we must follow when using our streets and highways. Through cooperation between the Police Department and parents, we can make this a safe community for walking.

Your cooperation in this matter of mutual concern is greatly appreciated.

Sincerely,

(Pedestrian Second Violation Letter)

Dear Parent or Guardian:

_____ was issued
a Pedestrian Violation Notice for the following violation

This occurred on _____ Time _____
Location _____

This is the second Pedestrian violation within one year. A letter was sent to you when the first violation occurred and no legal action was taken.

The child must be taught his or her responsibility to obey the pedestrian laws of _____ (city) _____.

Therefore, this department requests your cooperation by appearing with your child at _____ (time) _____
on _____ (date) _____ at _____ (place) _____
_____.

Your cooperation will be greatly appreciated.

Sincerely,

NOTE: 3d violation letter should be drafted by Juvenile Judge/
officer and youngster ordered to appear in Juvenile Court.

PEDESTRIAN ENFORCEMENT GUIDELINES

Introduction

This manual is designed to serve as a guide to achieve uniform enforcement of Wisconsin's traffic laws.

It is not the intent of this manual to supplement the judgment of the officer as it is impossible to foresee every conceivable situation involving traffic violations. Rather, the intent is to provide guidelines for uniform enforcement action for routine situations. In unusual circumstances, where normal procedures would not apply, the officer must decide what enforcement action is proper by drawing on his/her training, experience and good judgment.

The list in this guide includes violations specified in the Wisconsin Motor Vehicle Laws (1973-1974) Manual.

PEDESTRIAN ENFORCEMENT GUIDELINES

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Pedestrian on freeway or I-System	346.16(2)	Interferes with traffic	No interference with traffic
Fail to yield right-of-way at intersection	346.18(1)	If involved in accident or if it causes serious interference with other vehicles	Lesser interference with lawful movement of other vehicle
Fail to yield at controlled intersection	346.23(1)	Driver causes accident or pedestrian must run or jump to avoid being struck. Pedestrian crossing on Green or walk signal.	Pedestrian must stop or step aside to avoid vehicle
Fail to yield controlled intersection on divided highway	346.23(2)	As above	As above
Failure to yield right-of-way to pedestrian	346.24(1)	Involved in accident or pedestrian must run or jump to avoid being struck.	Person must stop or step aside to avoid vehicle.
Sudden movement of pedestrian into roadway	346.24(2)	Sudden movement causes motorist to take evasive action or causes accident.	All other violations
Passing vehicle stopped for pedestrian	346.24(3)	All violations interference with safe movement of pedestrian traffic	All other violations
Crossing at place other than crosswalk	346.25	Seriously interfered with vehicular movement	All other violations
Fail to yield right-of-way to blind pedestrian	346.26(1)	Struck pedestrian or passed closer than 10 feet in unsafe manner when pedestrian's cane is held in a raised position.	Stopped closer than 10 feet of blind pedestrian holding cane in a raised position
Illegal use of white and red cane	346.26(3)	All violations	None
Fail to yield to persons working on highway	346.27	Disregard flagman or warning signal and accident occurs or workman must jump or run to avoid being struck	Flagman or warning sign present. Failed to yield as required. No serious hazard

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Walking on wrong side of highway	346.28(1)	Serious conflict with vehicles moving in either direction or after warning	Failure to walk on left. All other violations.
Soliciting ride from roadway	346.29(1)	Standing on concrete or bituminous portion, caused serious conflict with traffic	Standing on concrete or bituminous portion, little or no conflict with traffic
Interfered with traffic-loitering in roadway	346.29(2)	Seriously conflicted with vehicles moving in either direction	Conflict minor
Fishing or swimming where prohibited	346.29(3)	Standing on roadway. Repeated violation after warning or caused accident	When traffic not affected
Walking against red light	346.37(1)(c)2	Had not left curb when signal turned red and traffic affected	When no traffic affected
Fail to yield on green arrow	346.37(1)(d)1	Caused evasive action or accident	When traffic not affected
Walking against green arrow	346.37(1)(d)2	Had not left curb when signal turned red and traffic affected	When no traffic affected
Walking against "wait" or "Don't Walk" signal	346.38(2)	Stepped on road and crossed after "Wait" signal visible, serious conflict with traffic	Stepped on road and crossed after "Wait" signal visible. No vehicular conflict
Fail to stop emerging from alley or driveway	346.47(1)	No stop. Crossed existing sidewalk or alley at greater than walk speed	When right-of-way not jeopardized
Fail to stop at intersecting alley	346.47(2)	As above	As above

STATE OF WISCONSIN

(City/County) _____ Police/Sheriff's Department Procedure

Subject: BICYCLE ENFORCEMENT		Number PR-021
Effective Date	Distribution	No. Pages 11
Reference		Special Instructions

I. Purpose

To establish a uniform procedure for handling violations of bicycle regulations.

II. Method

A. Regarding violators 16 years of age and older

1. On the first offense, a written warning or uniform citation shall be issued at the discretion of the officer.
2. On the second and each subsequent offense a uniform citation shall be issued and the violator shall be required to a) forfeit bond as prescribed in the state statutes and local ordinances or b) appear in traffic court.

B. Regarding violators under the age of 16 -- (Option #1 for those communities without a bicycle court)

1. On the first offense, a violation notice shall be issued and a copy of the notice along with a letter shall be sent to the parent(s) or guardian(s).
2. On the second offense, a violation notice shall be issued and the parent(s) or guardian(s) shall be requested to appear at the police station with the violator.
3. On the third and each subsequent offense, a violation notice shall be issued and the offender required to appear in juvenile court.

C. Regarding violators under the age of 16 -- (Option #2 for those communities with a bicycle court)

1. On the first offense, a violation notice shall be issued and the offender required to appear in bicycle court. A letter and copy of notice shall be sent to the parent(s) or guardian(s).

2. On the second offense, a bicycle violation notice shall be issued and the parent(s) or guardian(s) shall be requested to appear at the bicycle court with the offender.
3. On the third and each subsequent offense, a violation notice shall be issued and the offender required to appear in juvenile court.

D. Accident Reports

1. File accident report as prescribed in Wisconsin Statutes ss. 346.66 - 346.70.

Approved By:

I have read and understand this procedure.

Signature

☐ PEDESTRIAN VIOLATION NOTICE
☐ BICYCLE VIOLATION NOTICE

No.

Department

Name..... Last..... First..... Middle..... Address..... Street..... City..... State.....

Parent

D.O.B..... Guardian.....

Name

Address

Description

Make

Color

Serial No.

Style

Date..... Time..... License No.....

Violation..... (see list on back)..... Statute/Ord. No.....

School..... Officer.....

☐ Moving Traffic Violation

☐ 5 Day Warning - Equipment

The violation must be corrected in 5 days and checked by an officer of the Department. If the violation is not corrected the matter will be referred to the juvenile court, or in the case of an adult to the City Attorney for further action.

Date of correction.....

Officer's Initials.....

(For office use only)

☐ 1st Violation

☐ 2d Violation

☐ 3d Violation

(front)

Please circle appropriate violation(s).
 BICYCLE VIOLATION

1. Failure to stop for sign or signal
2. Failure to yield right-of-way
3. Failure to signal/improper signal
4. Failure to obey signs (Describe)
5. No light
6. No reflector
7. No brakes
8. Driving two or more abreast
9. Operating over centerline
10. Improper turn
11. Lane deviation :
12. Riding double
13. Speed too fast
14. Inattentive driving
15. No hands
16. Wrong way on one way
17. Driving against traffic (on left)
18. Trick riding (Describe)
19. Driving on sidewalk
20. No license
21. Other _____

PEDESTRIAN VIOLATION

1. Crossing at place other than crosswalk
2. Walking on wrong side of roadway
3. Soliciting ride from roadway
4. Loitering in roadway
5. Walking against Don't Walk light
6. Sudden movement into roadway
7. Other _____

(back)

(Bicyclist First Violation Letter)

Dear Parent or Guardian:

_____ was issued a Bicycle Violation Notice
for the following violation _____
This occurred on _____ (date) _____ Time _____
Location _____

The purpose of this notice is to impress upon juvenile bicycle operators a proper regard for the rules of traffic safety thereby enabling them to protect their own lives as well as the lives and property of others. We believe that the experience they receive in connection with their receiving this notice will be of real value to them as they grow older and graduate from bicycles to automobiles.

By assisting your child to cultivate courteous, sensible safety habits, you will be spared many anxious moments and your child will enjoy to the fullest all of the pleasant and healthful experiences of bicycling.

You, as a parent, can further assure your child of happy, carefree cycling fun by periodically checking the mechanical condition of his or her bike, since faulty equipment can also cause serious injury.

In the interest of safety, talk with your child and explain the rules we must follow when using our streets and highways. Enclosed is a pamphlet explaining safe bicycle driving rules. Through cooperation between the Police Department and parents, we can make this a safe bicycle driving community.

Your cooperation in this matter of mutual concern is greatly appreciated.

Sincerely,

(Bicyclist Second Violation Letter)

Dear Parent or Guardian:

_____ was
issued a Bicycle Violation Notice for the following violation _____
This occurred on _____ Time _____
Location _____

This is the second bicycle violation within one year. A letter was sent to you when the first violation occurred and no legal action was taken.

The child must be taught his or her responsibility to obey the bicycle laws of _____ (city) _____.

The law places responsibility on the parent. Wisconsin State Statute No. 346.77 states: "No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of state statute regarding bicycle regulations."

Therefore, this department requests your cooperation by appearing with your child at _____ (time) _____ on _____ (date) _____ at _____ (place) _____.

Your cooperation will be greatly appreciated.

Sincerely,

NOTE: 3d violation letter should be drafted by Juvenile Judge/officer and youngster ordered to appear in Juvenile Court.

BICYCLE ENFORCEMENT GUIDELINES

Introduction

This manual is designed to serve as a guide to achieve uniform enforcement of Wisconsin's traffic laws.

It is not the intent of this manual to supplement the judgment of the officer as it is impossible to foresee every conceivable situation involving traffic violations. Rather, the intent is to provide guidelines for uniform enforcement action for routine situations. In unusual circumstances, where normal procedures would not apply, the officer must decide what enforcement action is proper by drawing on his/her training, experience and good judgment.

The list in this guide includes violations specified in the Wisconsin Motor Vehicle Laws (1973-1974) Manual.

BICYCLE ENFORCEMENT GUIDELINES

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Failure to obey officer	346.04(1)	Intentional violations	Did not understand, see or hear
Fail to obey official sign	346.04(2)	Intentional violation or causes serious interference with traffic	Speed slower than walking pace
Fleeing an officer	346.04(3)	All violations	None
Overtaking & passing bicycles	346.075	If less than 3 ft. clearance & accident results or causes evasive action	If distance is uncertain
Bicycle on freeway or I-System	346.16(2)	Interferes with traffic	No interference with traffic
Fail to yield at controlled intersection	346.23(1)	Driver causes accident or pedestrian must run or jump to avoid being struck. Pedestrian crossing on Green or walk signal	Pedestrian must stop or step aside to avoid vehicle
Fail to yield controlled intersection on divided highway	346.23(2)	As above	As above
Failure to yield right-of-way to pedestrian	346.24(1)	Involved in accident or pedestrian must run or jump to avoid being struck	Pedestrian must stop or step aside to avoid vehicle
Sudden movement of pedestrian into roadway	346.24(2)	Sudden movement causes motorist to take evasive action or causes accident	All other violations
Fail to follow turn marker-buttons-sign	346.31(1)	Caused other vehicle to take evasive action or caused accident	All other violations
Unlawful right turn	346.31(2)	Turned from wrong lane or wide turn which interfered with other traffic traveling in same direction	Obvious violation but little or no interference
Improper left turn approach	346.31(3)(a)	As above	As above
Improper position intersection	346.31(3)(b)	As above	As above

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Improper left turn completion	346.31(3)(c)	As above	As above
Unlawful left turn on 3-lane highway	346.31(4)	Turned from wrong lane and interfered with other traffic traveling in same direction	As above
Improper turn into private driveway	346.32	As above	As above
Unlawful left turn(position or signal)	346.34(1)	Action seriously interfered with other traffic	No signal or late signal. Could have affected traffic present.
Fail to give stop or slow signal	346.34(2)	Action seriously interfered with other traffic	No signal or late signal. Could have affected traffic present.
Fail to yield right-of-way at signal light	346.37(1)(a)1	Caused evasive action or accident	All other violations
Fail to stop on yellow light	346.37(1)(b)	None	Signal turned red while in intersection
Fail to stop for red light	346.37(1)(c)1	Had not reached stop line when signal turned red	None
Fail to yield on green arrow	346.37(1)(d)1	Caused evasive action or accident	All other violations
Failure to stop for flashing red light	346.39(1)	Slowest speed greater than walk speed (3 mph)	All other violations
Fail to stop railroad crossing-officer or employee signal	346.44(1)(a)	Could have stopped after stop signal displayed	All other violations
Failure to obey railroad signal	346.44(1)(b)	As above	As above
Drives around railroad crossing barrier	346.44(2)	All violations	None
Fail to stop at stop sign	346.46(1)	Failed to stop. Slowest speed was faster than walk	No stop; slowest speed was less than walk speed
Fail to stop at stop line	346.46(2)(a)	Caused evasive action or accident	All other violations

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Fail to stop before crosswalk	346.46(2)(b)	As above	As above
Fail to stop before entering intersection	346.46(2)(c)	As above	As above
Fail to stop for stop sign at railroad crossing	346.46(3)	Fail to stop. Slowest speed faster than walk	All other violations.
Fail to stop for stop sign in mid-block	346.46(4)(a)	Failed to stop. Slowest speed was faster than walk	As above
Fail to stop emerging from alley or driveway	346.47(1)	No stop. Crossed existing sidewalk or alley at greater than walk speed	All other violations
Fail to stop at intersecting alley	346.47(2)	As above	As above
Failure to stop for school bus	346.48(1)	All violations	None
Unreasonable and imprudent speed	346.57(2)	Accident or near accident where speed is direct cause. Other traffic affected. Any speed greater than is safe or reasonable and prudent under the existing conditions, any accident where speed is a direct cause.	Excessive speed to posted limit, but no accident or near accident, no other traffic affected. Any speed less than arrest tolerance.
Fail to reduce speed appropriately	346.57(3)	Special hazard, hills, curves, pedestrians, weather, roads or other traffic requires reduced speed. Fails to reduce speed, accident or near accident	All other violations
Speeding in school zone	346.57(4)(a)	Accident or near accident	All other violations
Speeding through school crossing	346.57(4)(b)	As above	As above
Speeding past safety zone	346.57(4)(c)	As above	As above
Speeding in alley	346.57(4)(d)	As above	As above
Speeding on city streets (25 mph)	346.57(4)(e)	As above	As above

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Slow moving vehicle fail to yield right-of-way	346.59(2)	Continuing violation in aggravated situation. No opportunity for traffic to pass	As above
Failure to report accident	346.70(1)	All violations	None
Failure to file report of accident	346.70(2)	All violations	None
Permit unauthorized operation (parent)	346.77	All violations	None
Play vehicle on roadway	346.78	Causes accident or near accident	All other violations
Illegal bicycle operation- no seat	346.79(1)	Causes accident or near accident	All other violations
Illegal bicycle operation- passenger	346.79(2)	Causes accident or near accident	All other violations
Illegal bicycle operation- load restriction	346.79(3)	As above	As above
Bicyclist clinging to vehicle	346.79(4)	As above	As above
Fail to keep to the right- bicyclist	346.80(1)	As above	As above
Fails to ride in single file	346.80(2)	As above	As above
Fail to use bicycle path	346.80(3)	As above	As above
Riding bicycle on bicycle lane	346.802(1) (a)	Causes accident or near accident	All other violations
Entering or leaving bicycle lane	346.802(2) (2)	As above	As above
Audible signal required/ bike lane	346.802(3)	As above	As above
Yield right-of-way/ bike lane	346.802(4)	As above	As above
Audible signal required/bikeway	346.803(1) (a)	As above	As above

<u>Violation</u>	<u>Section</u>	<u>Arrest</u>	<u>Warn</u>
Obeing traffic signals/ bikeway	346.803(1)(b)	As above	As above
Ride on right side of bikeway	346.803(2)	As above	As above
Yield right-of-way/ bikeway	346.803(3)	As above	As above
Riding bicycle on sidewalk/ yielding & audible signal	346.804	Causes accident or near accident	All other violations
Improper or no lights on bicycle	346.81(1)	As above	As above
Improper or no brakes on bicycle	346.81(2)	As above	As above
Motor vehicle driving on sidewalk	346.94(1)	All violations	None
Cyclist clinging to vehicle	346.94(10)	All violations	None
Towing sleds, etc.	346.94(11)	All violations	None
Motor vehicle driving on bicycle lane or bicycle way	346.94(12)	All violations	None

END