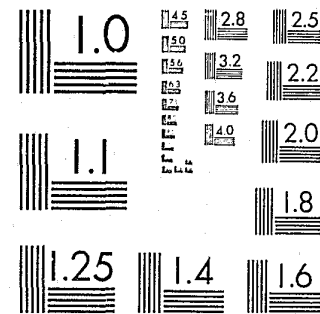


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United States Department of Justice  
Washington, D. C. 20531

Date Filmed

4/9/81

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SUPERIOR POLICE DEPARTMENT

POLICY PROCEDURE

MANUAL

NCJRS

JAN 19 1981

ACQUISITIONS

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## LAW ENFORCEMENT CODE OF ETHICS

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

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

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

## FOREWARD

The City of Superior Charter delegates authority to, and fixes responsibility upon the Chief of Police for the day-to-day functioning of the Police Department. Accordingly, the rules, procedures, and policies contained in this manual are adopted for the government, discipline, administration and disposition of the Police Department, City of Superior, its police force and the members thereof.

It is recognized that this manual cannot hope to prescribe the specific action to be taken in each situation encountered by individual police officers, nor is this its intent. Its primary purpose is to serve as a guide for ALL members of the Department. To ensure its responsiveness to changing conditions within the community and the Department, the Chief of Police reserves the right to revoke, amend, or add to the provisions contained herein.

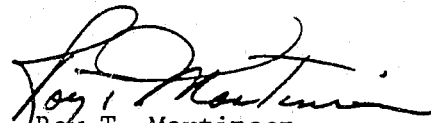
Loyalty, courage, integrity and dedication to duty are all qualities expected of the professional police officer. However, these qualities, in themselves, are not sufficient. Professionalism demands that service to the community always be paramount in the mind of each officer. Personal feelings must be sublimated in deference to the good of the community.

Just as the individual police officer must dedicate himself to the good of the community, each commanding officer must, in addition, dedicate himself to the good of his command and the Department. Initiative, efficiency and self-reliance shall be deemed prerequisites for command; weakness and evasion of responsibility will not be tolerated.

Individual commanders have been granted greater flexibility and authority for operations and decision-making within their commands. However, it must be understood that decentralization imposes an attendant, proportionate increase in accountability. While commanders are encouraged to utilize imagination, initiative and innovation, the exercise of these prerogatives must not be undertaken on whim alone. Improved police service should be the prime objective.

The attitudes and actions of subordinates reflect the character and ability of the commander. In much the same way, community attitudes and actions are reflections of police-community contacts. Since any neglect or divergence from the proper performance of duty reflects unfavorably upon the Department, it becomes incumbent upon each member to conduct himself in an exemplary manner, maintaining the high standards of performance the people expect and deserve.

Adversity has been no stranger to you, the members of this Department. You have been beaten, stabbed, and shot in the performance of duty; you have suffered the scorn and derision of those you are sworn to protect. In the face of all obstacles, you have acquitted yourselves admirably.

  
Roy T. Martinson  
Chief of Police

Committee Members;

Herbert Bergson  
Fredrick Cadotte  
Raymond Herubin  
Alex Kotter  
Thomas Krob  
John LaTour  
Thomas Meronek  
John McLaughlin  
Douglas Osell  
Allen Pomeroy  
Allen Will

Artistic Display: William Sharpe

Director: Raymond Payne  
Secretary: Mary Will

DIRECTOR'S NOTES

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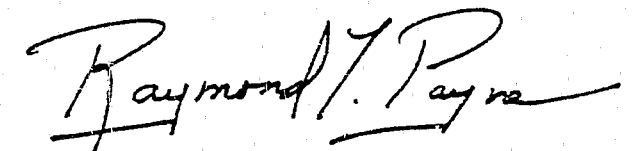
During the contract period of one year, various officers of the Superior Police Department participated on the committee of nine with the Director. Meetings were scheduled semi-monthly and provided the majority of the input and preparation of the project. Members of the committee have been: Herbert Bergson, Fredrick Cadotte, Raymond Herubin, Alex Kotter, Thomas Krob, John LaTour, Thomas Meronek, John McLaughlin, Douglas Osell, Allen Pomeroy, and Allen Will.

Much material and technical assistance were provided through Dr. Rhea S. Das, Psychology Department, University of Wisconsin - Superior and the Criminal Justice Center of the University of Wisconsin Law School, Madison, Wisconsin.

Various policy manuals were provided by other police departments to assist in the production of our Policy Manual/Patrol Guide. Those departments of specific merit and note are: New York City Police Department; New York City Traffic Department; Houston, Texas Marshall's Office; Duluth, Minnesota Police Department; Madison, Wisconsin Police Department; and the University of Wisconsin - Superior Department of Protection and Security.

Individuals of note who lent technical assistance and legal expertise are: Matthew Talty III, Houston Texas City Attorney's Office; Lieutenant George Touwsma, New York Police Department; Commissioner Richard Hogan and Tommy Marino, New York City Traffic Department; and C. Thomas Bagwell, Karate Institute, Superior, Wisconsin.

Special thanks are extended by the committee and myself to Mary Will, Department Records Clerk who typed the preliminary and final drafts for the project.



Raymond L. Payne  
Director, Police Policy Development  
August, 1980

110.10 Written Orders, Bulletins, And Guide Structure  
110.15 Policy Committee  
111.10 Control Of Department; Succession Of Command  
112.10 Command Discipline  
112.20 Authorize Penalties Under Command Discipline  
113.10 Interrogation Of Members Of The Department  
113.15 Internal Investigations (Interrogations)  
113.20 Member Of Department Arrested  
113.30 Inspection Of Department Lockers  
113.40 Cause For Relief From Duty  
113.50 Suspension From Duty  
114.10 General Rules Of Conduct  
114.20 Attention To Duty  
114.30 Restrictions On Activities  
115.10 Desk Courtesy  
115.15 Telephone Courtesy  
115.20 Wearing Of Uniform  
115.21 Personal Appearance (Grooming)  
115.25 Loss Of Pistol Or Revolver  
115.30 Loss Of Department Property  
116.10 Weekly Inspection Of Department Vehicles By Patrol Sergeant  
116.20 Preparation Of Vehicle Maintenance/Equipment Report  
117.10 Processing Civilian Complaints  
120.10 Use Of Force  
120.15 Use Of Force Report  
120.155 Use Of Force Report Illustration  
120.20 K-9 Operations

130.10 Stop And Frisk  
130.20 Custody Searches  
130.30 Warrantless Search and Seizure  
130.35 Execution Of Search Warrants  
130.375 Consent To Search Form  
130.40 Arrest On A Warrant  
130.41 Arrests Without A Warrant  
130.42 Arrests (Selective Enforcement And Delay)  
130.50 Processing Of Evidence Or Property At Police Station  
130.51 Preservation Of Chain Of Custody  
130.525 Crime Scene  
130.55 Removal Of Evidence From The Evidence Lockers Or Room  
130.575 Safeguarding Vehicles In Police Custody  
130.60 Lost Or Abandoned Property  
130.70 Controlled Substances  
130.71 Appendix of Controlled Substances (Information)  
140.10 Domestic Disturbances  
150.10 Restricting Release Of Information  
150.20 Release Of Arrest And Conviction Records  
150.21 Release Of Information (Form # 1)  
150.22 Release Of Information (Form # 2)  
150.30 Release Of Information To News Media  
160.00 Traffic  
170.10 Juvenile Procedures  
170.20 Juvenile Ordinance Violations  
170.21 Juvenile Ordinance Violations (Illustration)  
170.22 Juvenile Ordinance Violations (Illustration)  
171.10 Child Abuse And Neglect



171.15 Inter-Departmental Report Of Child Abuse (Illustration)

180.10 Pursuit Driving

180.20 Fire

180.30 Aided Cases - General

180.35 Dead Human Body - General Procedures

180.40 Persons Threatening To Jump From Structure

180.45 Labor Dispute

180.50 Basic Rules Governing Testimony

180.55 Transporting Prisoners

180.60 City Police Action On University Campus



PATROL GUIDE

PROCEDURE No. 110.10

WRITTEN ORDERS, BULLETINS, AND GUIDE STRUCTURE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 4

ESTABLISH  
FORMAT:

This section of the guide shall establish a format and definitions for written orders, bulletins, and the departmental guide. In addition, this section shall set forth the foundation for proper preparation, indexing and distrubution of this written material in order to keep all personnel informed of new and revised policies and procedures.

DEFINITIONS:

- GENERAL ORDERS: 1. General Orders are issued to announce adoption or revision of policy and to direct procedures for the indefinite future. General Orders shall be issued after the Patrol Guide of 1980 is distributed and shall be added to the existing guide in the appropriate section. The following are proper subjects of General Orders:
- a. Institution of permanent procedures, rules, policies and manuals related thereto.
  - b. Permanent changes in organizations.
  - c. Installation of permanent programs which affect more than one unit subordinate to the issuing authority.
  - d. Permanent personnel policies and procedures including recruiting, hiring, training, but not including changes of status, such as transfers, promotions of individuals, etc.
  - e. Use of equipment
  - f. Relationships with other agencies and citizens

SPECIAL  
ORDERS:

1. Special Orders are issued to announce policies or direct procedures concerning a specific circumstance or event, or policy or procedure which is of a temporary or self-cancelling nature, including:
- a. Specific instructions to accomplish a particular objective. Once accomplished, there will be no need for continuing instructions; or
  - b. Temporary procedures designed to cover a special occurrence or event which is of a temporary or short-lived nature;
  - c. Directives to a specific unit or units, or individuals, which do not influence the operations of others and for which no organizational change is needed.



# PATROL GUIDE

PROCEDURE No. 110.10

WRITTEN ORDERS, BULLETINS, AND GUIDE STRUCTURE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 4

## BULLETINS:

1. Bulletins may be issued for the following purposes:
  - a. To disseminate information or instructions which do not warrant a formal order.
  - b. To direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General or Special Orders. Such direction shall not deviate from or conflict with established policies and procedures as documented by higher authority.
  - c. To explain or emphasize portions of previously issued orders.
  - d. To inform members of actions or policies of other agencies.

## ISSUING AUTHORITIES:

General Orders - General Orders are issued by the Chief of Police to announce organizational-wide policies and procedures which are applicable for the indefinite future.

Special Orders - Special Orders may be issued by the Chief of Police, the Inspectors, and the Administrative Captain. It is their responsibility to insure that these orders do not conflict with those of a higher level of command.

Bulletins - Bulletins may be issued by the Chief of Police, the Inspectors, Administrative Captain, and the Division Commanders.

## RETAINED IN GUIDE:

- A. After the issuance of the Patrol Guide of 1980, General Orders will be issued to all members and retained in the Guide provided.

## INDIVIDUAL COPIES:

- A. All personnel will be issued individual copies of all written orders and bulletins affecting them, and they will be held responsible for knowledge of and compliance with the contents of such orders and bulletins.
  1. Special Orders and Bulletins will be distributed only to the individuals or Units affected. However, copies of all written orders and bulletins will be filed in the master file located in the office of the Administrative Secretary
  2. Special Orders and Bulletins need not be retained by individual officers.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 110.10

WRITTEN ORDERS, BULLETINS, AND GUIDE STRUCTURE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 4

## INDIVIDUAL COPIES, cont.:

- B. The distribution will be noted on each Order.

## ADMINISTRATIVE:

- A. After the initial distribution, it is the responsibility of the Administrative Secretary to maintain an adequate supply of extra copies.

## PREPARATION OF WRITTEN ORDERS:

- A. Orders issued at any level of command shall not conflict with established policy and procedures directed by a higher authority.
- B. All Orders and Bulletins will be stated in precise and positive terms with grammatical accuracy.
- C. Whenever applicable, all Orders and Bulletins shall carry notations directing attention to other published documents which are related. An Order of Bulletin which rescinds or supersedes other Orders or Bulletins will carry the identifying notations necessary to connect them.

## INDEXING AND GENERAL FORMAT:

- A. Orders shall be numbered consecutively when it is appropriate to so number them. General Orders shall be numbered with the appropriate section number for indexing in the Patrol Guide of 1980.
- B. All General and Special Orders shall be assigned numbers (although not necessarily consecutive) by the Chief or the Inspectors.

## CANCELLATIONS:

- A. All General Orders placed in the Patrol Guide are presumed not to be self-cancelling unless otherwise stated. All General Orders, Special Orders and Bulletins which are not placed in the Manual nor self-cancelling shall be reviewed bi-annually after the original date of issuance to determine if:
  1. They should be cancelled;
  2. They should be included or excluded from the Patrol Guide of 1980;
  3. They should be revised;
  4. They should be continued in their present form.
- B. Cancellations and incorporations into or out of the Patrol Guide shall be effected by a Special Order.
- C. Reviews of Orders and Bulletins shall be conducted by the Administrative Captain as he deems necessary, but at least once every year.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 110.10



DISTRIBUTION OF ADDITIONS AND AMENDMENTS TO RULES MANUAL			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 4

- DISTRIBUTION: Immediately upon printing, the Chief of Police will direct the distribution of additions and amendments.
- MEMBERS OF THE DEPARTMENT: Immediately upon receipt of a new rule or amendment to a rule previously issued, it shall be the duty of each member of the department to read and then post the new rule or amendment in his patrol guide as follows:
- a. After checking the page of the new rule or amendment, insert the rule in its proper numerical order.
  - b. When a new rule has a number similar to one already in the manual, the old rule shall be removed and the new rule constituted in its place. The same procedure shall be followed in the case of an amendment which bears a number the same as a rule already in the manual.
  - c. It shall be the responsibility of each supervisor to inspect the manual of each of his subordinates periodically, to insure adherence to this procedure.
- ADMINISTRATIVE CAPTAIN: There shall be kept on file in the Administrative Captain's office a copy of the manual which will contain the current rules. It shall be the responsibility of the Administrative Captain to ascertain that this copy of the manual is never taken out of the building.
- NEW INDEX: When a sufficient number of new rules have been issued, a new index will be printed and distributed.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 110.15



POLICY COMMITTEE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

- PURPOSE: The purpose of this section is to provide guidelines for the establishment and maintenance of a policy committee whose primary responsibility it is to develop policy from various sources and present them to the Chief of Police for acceptance and dissemination.
- POLICY: To insure an adequately trained and informed staff of law enforcement officers and supervisors, the Department has provided for the establishment and maintenance of a policy committee that will: (1) meet at regular intervals; (2) receive requests and input from various sources; (3) develop policy considerations; and (4) present said developed policy to the Chief of Police for modification, acceptance and dissemination. This committee will be expected to gather information for policy from officers, supervisors, clerical personnel, government officials, social welfare staff, the judiciary, and from the citizenry. This will insure that all voices are heard and that proper policy is formed.
- PROCEDURE:
- CHIEF OF POLICE: The Chief of Police will empower the Administrative Inspector to maintain an ongoing policy committee that will meet, at least once each quarter, to review all of the disseminations of the department and to accept input from various sources to determine whether specific policies should be added, modified, or deleted from the Department's Policy Manual/Patrol Guide.
- ADMINISTRATIVE INSPECTOR: The Administrative Inspector will maintain the policy committee by insuring that either one volunteer or one appointed person from the following areas be represented on the committee:
- Patrolmen
  - Squadmen
  - Sergeant
  - Detective
  - Union Representative
  - Juvenile Division
  - K-9 Corps
  - Lieutenant or Shift Commander
  - Administrative Captain

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 110.15

POLICY COMMITTEE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

DATE  
SELECTION  
AND  
COMPENSATION:

In addition, he will request that the Administration select a date, once each quarter year, for the committee to meet and then provide for time coming or paid relief, at the prevailing rate. He will also authorize, when necessary, additional meetings of the committee when it appears that the committee needs the time to formulate policy.

ADMINISTRATIVE  
CAPTAIN:

The Administrative Captain will set a date at least once each quarter year for the committee to meet. The date should be set so that as many of the committee members as possible can attend without undue hardship. The Captain or his designate will chair the committee and prepare items for the secretary.

DATES OF  
MEETING:

The meeting dates should be posted at least one week prior in the kickbook and each member should be given any materials needed for the meeting one week prior. This is to include all directives, bulletins, correspondence, new laws, etc. that appear to be needed to discuss implementing, modifying, or deleting of policy.

COMMITTEE  
MEMBERS:

Whether volunteered or appointed, it is the responsibility of each committee member to be available to his fellow officers to explain the policies and to accept input for the committee meeting. This will provide a means for other officers to have an input in the decision making process.

ATTENDANCE:

Attendance at committee meetings is actively encouraged. If, for some reason, a member cannot attend, he should provide an alternate who is familiar with the process and can be an asset to the committee.

ADMINISTRATIVE  
SECRETARY:

The Administrative Secretary will maintain a file of all bulletins, special orders and correspondence germane to the policy committee. At times designated, the secretary will have such copies of these items provided for the committee members as may be necessary. The secretary will also see to it that policy initiations, modifications, or deletions prepared by the committee are typed up in proper format and then given to the Administrative Inspector for his comments.

CHIEF'S  
APPROVAL:

This will then be forwarded to the Chief of Police for his approval. Upon approval by the Chief of Police, the secretary will see to it that said policy is printed and disseminated to the individual officers to insert in their Patrol Guides.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 111.10

CONTROL OF DEPARTMENT; SUCCESSION OF COMMAND			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

POLICY:

It is the policy of the Department that at all times there shall be on duty or immediately available a person in the Department vested with full authority to make any decisions and take any actions which are immediately necessary in the interest of public safety or convenience. The following paragraphs are intended to insure that this policy will be carried out.

CHIEF AND  
COMMAND  
UNAVAILABLE:

If the Chief of Police and command officers of the Department are unavailable or are not available in time to take effective action, the duty supervisor of the uniform force in charge of the shift shall have the full authority of the Chief to take whatever action is immediately necessary, limited only by the obligation to avoid alteration of department policy if possible.

SHIFT  
COMMANDER  
UNAVAILABLE:

During the unavailability of the shift commander, the senior officer on duty shall have full responsibility and authority to manage the affairs of the shift until the duty supervisor is again available to exert his authority and control.

EMERGENCY  
CIRCUMSTANCE:

In time of emergency or extraordinary circumstance, any supervisory, command, or line officer may assume command of the situation by virtue of his rank, disregarding normal organizational relationship.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 112.10

COMMAND DISCIPLINE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

- PURPOSE: To permit the Chief of Police to correct minor violations without resorting to formal charges and departmental trial.
- DEFINITION: Command Discipline - Non-judicial punishment available to a Chief of Police to correct minor deficiencies and maintain discipline within his command.
- PROCEDURE: Upon receiving a complaint concerning a member of his command:
- CHIEF OF POLICE:
1. Investigate to determine if allegation is substantiated.
  2. Indicate findings, in writing, if allegation is unsubstantiated.
  3. Determine whether the violation, if substantiated, may be disposed of under Command Discipline.
  4. Schedule interview with member concerned.
  5. Advise member that one local representative of the W.P.P.A may be present, if desired.
  6. Inform member of alleged violation and conduct interview.
    - a. Do not record minutes. Interview will be informal and non-adversary.
  7. Give member an opportunity to make a statement in rebuttal.
  8. Conduct further investigation if necessary.
  9. Inform member of:
    - a. The results of the investigation
    - b. Proposed penalty, if allegation is substantiated
  10. Advise member that he is entitled to:
    - a. Accept finding and proposed penalty, or
    - b. Accept finding but appeal proposed penalty to the Police and Fire Commission.
    - c. Decline to accept the finding and proposed penalty and instead have the matter resolved through formal charges and specifications.
- MEMBER OF THE DEPARTMENT:
11. Notify Chief of Police, in writing, of the option elected within three(3) working days.
- If member accepts finding and proposed penalty:
- CHIEF OF POLICE:
12. Enter disposition in member's personnel folder and notify Shift Commander, in writing.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 112.10

COMMAND DISCIPLINE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

CHIEF OF POLICE:

If member accepts finding and declines proposed penalty:

13. Forward a report to the Police and Fire Commission

If member elects formal charges:

14. Enter disposition in member's personnel folder and inform Shift Commander.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 112.20



AUTHORIZED PENALTIES UNDER COMMAND DISCIPLINE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

PURPOSE: To inform members of the penalties a commanding officer may recommend under Command Discipline.

PROCEDURE: When proposing disciplinary action under Command Discipline, the Chief of Police may offer the officer the option of:

Forfeiture of up to ten (10) days vacation, accrued time, or regular days.

ADDITIONAL DATA: None of the above action prohibit the Chief of Police from:

- a. warning and admonishing orally
- b. warning and admonishing in writing, copy to be filed in personnel folder
- c. changing assignment within the command either for a fixed period or indefinitely.

PATROL GUIDE

PROCEDURE No. 113.10



INTERROGATION OF MEMBERS OF THE DEPARTMENT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 3

PURPOSE: To protect the rights of members of the Department in an official Department investigation.

PROCEDURE: Prior to questioning, a member of the Department who is the subject or a witness to an official investigation:

INTERROGATING OFFICER:

- 1. Inform member concerned of:
  - a. Rank, name and command of person in charge of investigation
  - b. Rank, name and command of interrogating officer
  - c. Identity of all persons present
  - d. Whether he is a subject or witness in the investigation, if known
  - e. Nature of accusation
  - f. Identity of complainant (address need not be revealed)
  - g. Information concerning all allegations
- 2. Permit member to obtain counsel if he desires at own expense
- 3. Direct a postponement until 10:00 hours the following day, if practicable, when member is permitted to obtain counsel.
- 4. Permit representative of the W.P.P.A. to be present at all times during interrogation, if officer requests
- 5. Conduct interrogation at reasonable hour
- 6. Insure that interrogation is recorded, either mechanically or by a Department stenographer.
  - a. Investigating officer will determine if a transcript is required in non-criminal or minor violation cases.
- 7. Do not use:
  - a. "Off the record" questions
  - b. Offensive language or threats (transfer, dismissal, or other disciplinary punishment)
  - c. Promises of reward for answering questions
- 8. Regulate duration of question periods, with breaks for meal, personal necessity, telephone calls, etc.
- 9. Record all recesses

PATROL GUIDE

PROCEDURE No. 113.10



INTERROGATION OF MEMBERS OF THE DEPARTMENT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 3

MEMBER OF  
THE  
DEPARTMENT:

1. Answer questions specifically directed and narrowly related to official duties.
2. Members of the department will be compensated for time spent on the investigation, at the rate described in the current contract.

SUPERIOR OFFICER  
IN CHARGE OF  
INVESTIGATION:

1. Notify the Shift Commander immediately when a member of the department is directed to leave his post or assignment to report for an official investigation.
2. Insure that notifications re: official investigations made to or received from:
  - a. Complainants
  - b. Witnesses
  - c. Lawyers
  - d. Defendants
  - e. Other interested partiesare properly recorded in appropriate department records.

SHIFT  
COMMANDER:

1. Record in appropriate department records and notify the investigating command immediately of notifications or messages received from:
  - a. Lawyers
  - b. Witnesses
  - c. Complainants
  - d. Other interested parties involved in the subject investigation.

NOTE:

If a member of the Department is under arrest or is the subject of a criminal investigation or there is a likelihood that criminal charges may result from the investigation, the following warnings shall be given to the member concerned prior to commencement of the interrogation:

"I wish to advise you that you are being questioned as part of an official investigation by the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties. You are entitled to all the rights and privileges guaranteed by the laws of the State of Wisconsin, the Constitution of this State, and the Constitution of the United States, including the right not to

PATROL GUIDE

PROCEDURE No. 113.10



INTERROGATION OF MEMBERS OF THE DEPARTMENT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 3

NOTE, cont. :

be compelled to incriminate yourself and the right to have legal counsel present at each and every stage of this investigation.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties, you will be subject to departmental charges which could result in your dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."





# PATROL GUIDE

PROCEDURE No. 113.15

INTERNAL INVESTIGATIONS (INTERROGATIONS)			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 3

PURPOSE: The purpose of this guide is to establish procedures pertaining to the questioning of members of the department about their conduct relating to the performance of their official duties when it is anticipated that the member's answers to questions may be self-incriminating. In Garrity v New Jersey and subsequent cases, the Supreme Court held that police officers and other public employees may not be forced to waive their constitutional right against self-incrimination under pain of dismissal from their jobs. The Court did not grant blanket immunity from questioning to public employees; it merely removed the threat of loss of employment as a means of forcing an employee to make self-incriminating statements which might subsequently be used against the employee in a criminal action. If the threat of criminal prosecution is removed, there is no legal bar to requiring a public employee to account for his conduct in office under threat of dismissal.

PROCEDURES: Under circumstances in which a member of the department is questioned about matters which potentially could result in criminal prosecution against him, and no decision has been made not to use the member's testimony against him in any subsequent criminal prosecution, the member shall not be compelled to make statements which might be self-incriminating, and he may not be disciplined for invoking his rights against self-incrimination. In such cases, the Miranda-Garrity Warning (Attachment A) shall be given.

Under circumstances in which a member of the department is questioned about possible criminal matters and it has been determined that any self-incriminatory statements the member makes will not be used against him in a criminal prosecution, the member may be ordered to answer questions, and he may be disciplined if he refuses to answer fully and truthfully. In such cases, the Reverse Garrity Warning (Attachment B) shall be given.

Under circumstances in which a member of the department is questioned relating to the performance of his official duties and no criminal prosecution is contemplated or it is not anticipated that the member's answers will be self-incriminating, no warning need be given, and the member may be ordered to respond in accordance with applicable regulations. However, if the member refuses to answer on the grounds that his answers might be self-incriminating, he shall be given the Miranda-Garrity Warning or the Reverse Garrity Warning, as appropriate.

When either the Garrity Warning or the Reverse Garrity Warning is given, a written record shall be kept of which warning was given, who gave the warning, the date the warning was given, and the names of witnesses who were present.



# PATROL GUIDE

PROCEDURE No. 113.15

INTERNAL INVESTIGATIONS (INTERROGATIONS)			
ATTACHMENT A			
MIRANDA - GARRITY WARNING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 3

This warning is to be used when a member is being questioned about matters which could result in criminal prosecution against him and no decision has been made as to whether or not the member's statements will be used against him in a criminal prosecution.

At this time, I would like to question you concerning (state the general nature of the matter under investigation). This questioning concerns criminal matters. You (are) (are not) under arrest. (If the person being questioned is suspected of committing a crime, he should be informed of the specific offense for which he is suspected, unless such disclosure would endanger the investigation.)

I am now going to advise you of your rights as established by the Supreme Court in the cases of Miranda v Arizona and Garrity v New Jersey.

First, you have the right to remain silent. You are not required to say anything at any time or to answer any questions. If you do make a statement or answer questions, anything you say can be used against you in a court of law.

Second, you have the right to talk to a lawyer for advice before making a statement or answering any questions, and you may have a lawyer present with you during questioning if you wish. If you do want a lawyer, but cannot afford one, a lawyer will be provided for you. If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Third, even though you are an employee of the Superior Police Department and ordinarily you would be required by regulations to answer questions put forth to you by a superior officer regarding your official duties, in this instance, those regulations do not apply, and you will not be required to answer. If you do not wish to answer any of these questions, your refusal to answer alone will not subject you to disciplinary action by the Superior Police Department.

Do you understand that I want to question you about criminal matters?

Do you understand that you do not have to make a statement or answer any questions?

Do you understand that if you do make a statement or answer questions, anything you say which incriminates you can be used against you in a court of law?

Do you understand that you have the right to talk to a lawyer and have one present during questioning?

Do you understand that if you do not wish to make a statement or answer questions, your desire to remain silent alone will not subject you to disciplinary action by the Superior Police Department?

Do you have any questions concerning the rights that I have just explained to you?

Do you want to talk to a lawyer?

Do you want to answer questions at this time?





## PATROL GUIDE

PROCEDURE No. 113.15

INTERNAL INVESTIGATIONS (INTERROGATIONS)			
ATTACHMENT B			
REVERSE GARRITY WARNING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 3

This warning is to be used only when a member is being questioned about possible criminal matters and it has been officially determined that any self-incriminating statements that the member makes will not be used against him in a criminal prosecution.

At this time, I am going to question you about (state the general nature of the matter under investigation.) This questioning concerns administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings.

Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a court of law, you are required to answer any questions fully and truthfully. If you refuse to answer my questions, this in itself is a violation of the rules of the Department, and you will be subject to disciplinary penalties.

Do you understand what I have just explained to you?

Do you have any questions concerning what I have just explained to you?

I now order you to answer the following questions.

NOTE: All grants of immunity from prosecution based on self-incriminating statements are to be coordinated with the District Attorney's Office prior to the time any representation of immunity is made by an official of this department. Normally, the use of this form is restricted to investigations conducted by Internal Affairs.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 113.20

MEMBER OF THE DEPARTMENT ARRESTED			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

PURPOSE: To record and investigate cases when members of the Department are arrested.

PROCEDURE: When a member of the Department is arrested:

MEMBER OF

THE DEPARTMENT: 1. Notify, or have a responsible person notify, the Shift Commander on duty, giving the following:

- Time and date of arrest
- Place of occurrence
- Present location of member or place where he will be available for interview
- Identity of all persons involved in the incident, including local police authorities
- Manner in which member became involved
- Sickness or injury of member or other persons involved
- Identity and statements of witnesses
- Title and description of the law violated
- Specific charges against the member
- Date and location of court appearance
- Temporary or final disposition

SHIFT COMMANDER: 1. Notify the Chief of Police

2. Inform the Chief of Police at least once every thirty (30) days, of the status of the case, including:
  - Adjournment dates
  - Final disposition
  - If an appeal has been taken
  - Disposition of the appeal

3. Assign a member of the force to investigate

INVESTIGATING  
OFFICER

ASSIGNED:

1. Communicate by phone with arresting authorities to determine if there are witnesses to the incident.
2. Conduct investigation
3. Advise the Shift Commander of facts.
4. Ascertain status of the case no later than 24 hours after each court appearance of the member.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 113.20

MEMBER OF THE DEPARTMENT ARRESTED			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

INVESTIGATING  
SUPERIOR  
ASSIGNED, cont.

5. Prepare and forward a report, indicating status of case and adjournment date, to the Chief of Police.

MEMBER OF THE  
DEPARTMENT  
ARRESTED:

1. Notify the Chief of Police as soon as possible if charges are dismissed.

CHIEF OF POLICE,  
ARRESTED  
MEMBER:

1. Contact the City Attorney and the superior officer responsible for the investigation of the disposition of all criminal charges if department charges have been preferred.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 113.30

INSPECTION OF DEPARTMENT LOCKERS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

PURPOSE: To permit the inspection of a department locker in connection with an official investigation.

PROCEDURE: When a member of the department is directed to open his locker by a superior officer:

MEMBER OF THE  
DEPARTMENT:

1. Comply with direction.

SUPERIOR  
OFFICER:

1. Inspect contents of locker:
  - a. Member concerned will witness inspection.
  - b. If member is not present, another member of the department, of his choice, will witness inspection, unless there is a valid search warrant.

MEMBER OF THE  
DEPARTMENT:

1. Secure locker after inspection is completed.
2. Follow direction of superior officer.

SUPERIOR  
OFFICER:

1. Enter into the original Incident Report:
  - a. Number(s) of locker(s) inspected
  - b. Member(s) to whom locker(s) assigned
  - c. Reason for inspection
  - d. Results of inspection
  - e. Member(s) present at inspection

NOTE: Department lockers may be inspected at any time during an official investigation by a superior officer. If the member assigned to a locker is not present during an inspection, the inspecting superior is required to notify the member concerned, and provide for safekeeping of the equipment and reimbursement to the member if the lock is damaged.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 113.40

CAUSE FOR RELIEF FROM DUTY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

PURPOSE: To describe those actions for which a member of the Department may be relieved from duty.

CHIEF OF POLICE: 1. The Chief of Police may suspend a member of the Department when, in his opinion, such action is necessary.

SHIFT COMMANDER: 2. A Shift Commander MUST relieve from duty a member of the Department when the member:

- Is indicted by a Grand Jury
- Is arrested for a felony
- Refuses to perform assigned duties either at roll call or during tour of duty
- Refuses an order of a superior officer to answer questions specifically directed and narrowly related to the performance of his official duties, after being informed of his rights
- Is unfit for duty due to effects of an intoxicant or drug or after effects thereof

NOTE: Relief from duty by a superior officer is by authority of the Chief of Police. Prior conferral or approval is not required.

All suspensions will be with pay, as prescribed by State Law and the present contract.

RELATED PROCEDURE: Interrogation of Members of the Department

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 113.50

SUSPENSION FROM DUTY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

PURPOSE: To temporarily prohibit a member of the Department from performing police duty.

PROCEDURE: When a member of the Department is being suspended:

CHIEF OF POLICE:

- Inform member concerned, in writing, that he is being suspended from duty, and the reason, and that suspension may be appealed to the Police and Fire Commission within three days.
- Direct member to surrender department I.D. cards, badges, and weapons
- Inform member that while suspended, he is not permitted to wear uniform or present himself as a police officer, or be so employed.

MEMBER OF THE DEPARTMENT: Surrender promptly, all department I.D. cards, badges, and weapons to the Chief or his designate.

CHIEF OF POLICE: Immediately prepare and distribute written notices of suspension to all Shift Commanders, Police Association, and the Police and Fire Commission.

MEMBER OF THE DEPARTMENT:

- Upon completion of suspension, the member concerned shall report for duty as required.
- Member shall pick up all department I.D. cards, badges, and weapons from the Shift Commander.

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No. 114.10

GENERAL RULES OF CONDUCT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

OBEDIENCE TO  
ORDERS:

Members shall be governed by the following general rules of conduct. Violation by any member of the department of any of these rules of conduct, may be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.

ABIDE BY LAWS:

Members of this department shall abide by the laws of the United States and the State of Wisconsin and Ordinances of the City of Superior, and the General Orders and Rules of Conduct of the City of Superior Police Department.

OBEY LAWFUL  
ORDERS:

Members shall obey all lawful orders and directions given by superior officers, and shall obey the instructions given by city radio, regardless of the rank of the dispatcher. Such obedience shall be prompt and willing.

INSUBORDINATION:

The failure or deliberate refusal of any member of the department to obey any lawful order given by any superior officer shall be deemed insubordination. Flouting the authority of any superior officer by obvious disrespect or by disputing his orders shall likewise be deemed insubordination.

MANNER OF  
ISSUING  
ORDERS:

Orders from superior to subordinate shall be in clear understandable language, civil in tone, and issued in pursuit of Superior Police Department business.

UNLAWFUL  
ORDERS  
PROHIBITED:

No commanding or supervisory officer shall knowingly or willfully issue any order which is in violation of any law, ordinance, or divisional rule.



PATROL GUIDE

PROCEDURE No. 114.10

GENERAL RULES OF CONDUCT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 5

PERFORMANCE  
OF DUTY:

Members shall perform all lawful duties as may be required of them by competent authority, whether or not such duties are specifically assigned to them in any rules or duty manual.

RELATIONSHIPS:

Conduct and Behavior - Members, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon themselves or the department.

RESPONSIBILITIES  
TO SERVE PUBLIC:

Members shall serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their civic responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgement.

IMPARTIAL  
ATTITUDE:

Members, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators. Members shall at all times consider it their duty to be of service to anyone who may be in danger or distress, regardless of sex, race, color, or creed.

DUTY TO BE  
KIND, COURTEOUS,  
AND PATIENT:

Members shall at all times be courteous, kind, patient and respectful in dealing with the public, and shall strive to win the approbation of all law-abiding citizens by an impartial discharge of their official duties. When addressed, they shall assume a position of attentiveness. They shall avoid answering questions in a short and abrupt manner, and shall not use harsh, coarse, violent, profane, insolent, indecent, suggestive, sarcastic, or insulting language. They shall maintain an even, controlled temper, regardless of the provocation, remaining cool and collected at all times. Members shall use correct English, giving particular attention to their grammar and pronunciation, and they shall avoid slang in conversation with citizens. Members shall avoid actions, conduct, or mannerisms which tend to annoy others.

GIVING NAME:

Members shall politely give their names and other pertinent information to any violators or other persons when requested to do so, unless such action is likely to jeopardize the successful completion of an assignment.



PATROL GUIDE

PROCEDURE No. 114.10

GENERAL RULES OF CONDUCT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 5

CRITICISM OF  
LAWFUL ORDER:

Members shall not publicly criticize or comment derogatorily to anyone about instructions or orders they have received from a superior officer.

CONFLICT OF  
ORDER:

Should any order conflict with any previous order or instruction issued by another superior officer, or with any general order, the member to whom the order is given shall respectfully call attention to the conflict, and if the superior officer giving the second order does not change the same so as to obviate the conflict, his orders shall stand and the responsibility shall be his. If he so directs, the latter command will be obeyed first. Orders will be countermanded, or conflicting orders issued only when reasonably necessary for the good of the Department.

APPEALS:

Members shall appeal for relief from orders or instructions which are unlawful or unjust. Such appeals must be made in writing to higher authority through proper channels. Irresponsible or capricious appeals will be considered a serious misconduct.

OBEDIENCE TO  
UNLAWFUL  
ORDERS:

No member is required to obey an order which is contrary to the Laws of the United States, Statutes of the State of Wisconsin, or the Ordinances of the City of Superior. Such refusal to obey, however, is the member's responsibility and he shall be strictly required to justify his actions.

OBEDIENCE TO  
UNJUST OR  
IMPROPER  
ORDERS:

Members who are given orders they feel to be unjust or contrary to general orders or the rules of the department, must first obey the order to the best of their ability and may proceed to appeal as provided herein.

REPORTING  
UNLAWFUL  
ORDERS:

Any member who is given any unlawful or unjust or improper order, shall at the first opportunity report in writing the full facts of the incident, together with his own action to the Chief of Police via regular channels.



PATROL GUIDE

PROCEDURE No. 114.10

GENERAL RULES OF CONDUCT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

RESPECT FOR  
FELLOW MEMBERS  
OF THE  
DEPARTMENT:

Members shall treat other members of the Department with respect and response due them as fellow officers. They shall be courteous, civil and respectful of their superior officers and associates, and shall not use threatening and insulting language, whether on or off duty. Respect to superior officers shall not be confined to duty, but shall be extended on all occasions.

SUPPORTING  
FELLOW  
OFFICERS:

Members shall cooperate, support, and assist each other at every opportunity and shall not publicly criticize the work or the manner of performance of duty of any other member.

CIRCULATING  
STORIES:

Members shall refrain from circulating scandalous stories about other members or other governmental employees, and shall refrain from circulating criticism of other governmental employees or agencies. Members shall not publicly criticize the actions of any judge or other member of any court of justice by word or deed.

INTERFERING  
WITH CASES:

Members shall not interfere with cases assigned to other members except with the consent of the assigned member. Members shall not unnecessarily interfere with the work or operation of any division of the courts.

INTERFERING  
WITH PRIVATE  
BUSINESS:

Members shall not interfere in the lawful private business of any person.

COOPERATION  
WITH AGENCIES:

Members shall cooperate with all agencies engaged in the administration of justice and other public departments, giving to each all aid and information that they may be entitled to receive.

RELATIONS WITH  
NEWS MEDIA:

The term "News Media" is used to describe a large private business activity which performs the function of providing the general public with information of events occurring within all segments of the community. The news media, therefore, performs a public service by providing the public with information that it needs to know and is entitled to have.



## PATROL GUIDE

PROCEDURE No. 114.10

### GENERAL RULES OF CONDUCT

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

#### AIDING AND PROTECTING FELLOW OFFICERS:

Members shall act together and protect one another in time of danger or under circumstances where danger might reasonably be impending.



## PATROL GUIDE

PROCEDURE No. 114.20

### ATTENTION TO DUTY

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

**SUBJECT TO DUTY:** Although certain hours are allotted for the performance of duty, members are held to be always on duty. They shall at all times respond to the lawful orders of superior officers and to the call of citizens in need of assistance. The fact that they may be technically off duty shall not relieve them from the responsibility of taking prompt and proper action in any matter deserving of their attention. Members shall at all times be attentive to their duty, by alertness and observation, demonstrating interest in their work.

#### REQUIRED TO TAKE ACTION:

Members are required to take prompt and effective action conforming to department policy with respect to violations of law and ordinances coming to their attention or of which they have knowledge. Members shall promptly and punctually perform all official duties.

#### OUTSIDE EMPLOYMENT:

Members shall devote their entire time and attention to the service of the Department and they are discouraged from following any other calling or engaging in any other business for compensation, except as provided by general orders or except in the case of a member of the Department who has submitted written notice of his or her intention to retire, in which case the member may accept outside employment on a full-time or part-time basis of a police or non-police nature while off-duty on accumulated compensatory time or off-duty on vacation leave in excess of that requested for lump sum payment prior to his or her official termination date.

#### REPORTING FOR DUTY:

Members, unless otherwise directed, shall report for duty or present themselves at daily roll call at the time and place specified. They shall be properly uniformed or dressed, and equipped.

#### REMAINING ON DUTY UNTIL RELIEVED:

Members shall remain at their post or place of assignment until properly relieved by another member or until officially dismissed by a superior officer. Members shall take leave from their duties only when authorized in conformity with regulations, or when permitted to do so by their commanding officers.



## PATROL GUIDE

PROCEDURE No. 114.20

ATTENTION TO DUTY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 5

### DUTY TO REPORT CRIMES:

Members shall report all crimes, violations, emergencies, incidents, and other information of concern that come to their attention, to the police department. Members shall not conceal, ignore, or distort the facts of any such incident. Members receiving or possessing facts or information relative to a criminal offense shall not retain such facts or information for ulterior motives, or desire for personal credit or aggrandizement; but shall report the facts through official channels.

### REPORTING BRIBE OFFERS:

Members shall make an immediate written report to their commanding officer of any bribe offer.

### COMPLETING OFFICIAL REPORTS:

Members shall make reports promptly, accurately, and in conformance with specifications of the department. Members shall make necessary reports before going off duty.

### REPORTING ACCIDENTS:

Members shall immediately report all traffic accidents in which they are involved; all personal injuries received in the line of duty, or when not in the line of duty, those which are apt to interfere with performance of duty; all property damage or injuries caused to other persons by accident or otherwise while in the performance of duty.

### REPORTING ADDRESS AND PHONE NUMBERS:

Members shall register their correct residence address and phone number with the department.

### TESTIFYING IN DEPARTMENT INVESTIGATIONS:

Any member who, when directed by competent authority, refuses to answer questions or render statements, materials, and so forth, relevant to any department personnel investigation, shall be subject to disciplinary action.

### REPORTING ILLNESS OR INJURY:

Members who are injured whether on or off duty, or who become ill, shall promptly report such fact to the supervisor. Illness should be reported four hours prior to shift starting.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 114.20

ATTENTION TO DUTY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 5

### AVAILABILITY WHEN ON DUTY:

No member, when on duty, shall conceal himself except for some official purpose. Members shall keep themselves immediately and readily available at all times when on duty.

### PROMPT RESPONSE TO CALLS:

Members shall respond without delay to all calls for service from citizens or other members. Calls shall be answered in compliance with normal safety precautions and vehicular driving laws.

### ATTENDANCE IN COURT:

Whenever any member is ordered to appear in court on any matter in which his presence is required, he shall attend punctually. If unable to attend, he must notify his supervisor and the court in advance. Failure to do so will result in disciplinary action.

### DUTY TO RENDER SERVICE:

Members shall be attentive to and take suitable action on complaints by private persons. Members shall respond to proper requests for information or assistance. Members shall avoid giving the impression that they are evading the performance of their duties or that they are not interested in the problems brought to their attention. Members shall not belittle a seemingly trivial request, complaint, or piece of information, but shall invariably thank the complainant or informant, regardless of the value of the information received.

### MAINTAINING COMMUNICATIONS:

Members on duty, or when officially on call, shall be directly available by normal communication or shall keep their office, Communication Center, headquarters, or superior officers informed of the means by which they may be reached when not immediately available. Members sent on call shall immediately, upon the completion of the task, notify the dispatcher of their return to service.

### GIVING NOTICE IN EMERGENCIES:

Members shall immediately notify, or have someone notify proper authorities of any immediate or imminent emergency.

### REPORTING HAZARDS:

Members observing on the streets, sidewalks, or in public places anything of a dangerous or hazardous nature that might cause public inconvenience, or that seems irregular or offensive, shall take proper action and report the full circumstances to proper authorities.

SUPERIOR POLICE DEPARTMENT





## PATROL GUIDE

PROCEDURE No. 114.20

ATTENTION TO DUTY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

### RESPONSIBILITY TO KNOW LAWS:

Members shall learn and thoroughly understand the laws and ordinances they are charged with enforcing, and all orders and rules manuals published by the department. They shall be especially well informed concerning the duties and procedures governing their specific assignments.

### LEARN DISTRICTS:

Members shall memorize the locations and the boundaries of established districts. Members shall learn the names and general locations of city streets, highways, the names and locations of hospitals, public buildings, government agencies, and important business and industrial establishments.

### SEEKING ADVICE:

Members who are in doubt as to the nature or detail of their assignment shall seek such information from their immediate superior officer.

### IDENTIFICATION CARDS:

Members shall carry their official identification on their person at all times.

### LOSS OF CITY PROPERTY:

Any member who has lost, damaged, or destroyed any equipment issued to him by the department will be required to make restitution if the loss or damage is the result of negligence on the part of the member.

### NEEDED REPAIRS:

Members shall promptly report to their superior officer the need of repairs to any city-owned equipment used by him, in his possession, or issued to him.

### SALUTING:

Members of the Department shall salute the National Colors and the National Anthem with the hand salute when in uniform. All members of the Department not in uniform on such public occasions, shall stand at attention as the Colors pass, and in the cases of male members, they will remove their head gear.

### HANDLING OF PRIVATE PROPERTY:

Any member who has lost, damaged, or destroyed any property or equipment that comes into his possession by reason of his duty may be required to make restitution for said property, if the loss or damage is the result of negligence on the part of the member.

### CARE OF QUARTERS:

Members shall maintain offices, lockers and desks used by them in a neat, clean and orderly condition. They shall not throw cigarettes or trash on floors in the Police Department or Court House. They shall not store property of any kind on the floor, on cabinets, or in other places open to view. Members working at desks shall clear them at the end of their tour of duty and shall place all material with which they have been working in cabinets or drawers.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 114.20

ATTENTION TO DUTY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

### DUTY TO ACT PROMPTLY:

Members shall act promptly and with energy, firmness, and decision at the scene of situations that require immediate attention, and in dealing with suspects and in disposing of their assignments. Members shall not give evidence of indecision or lack of confidence by their actions, facial expressions, words, or tone of voice.

**SUPERIOR POLICE DEPARTMENT**





## PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 7

### TESTIFYING FOR DEFENDANT:

Any member subpoenaed to testify for the defense in any trial, or against the City of Superior or interest of the department in any hearing or trial, shall forthwith notify his commanding officer.

### INTERVIEW WITH ATTORNEY:

Interviews between members and attorneys in all cases arising out of department employment shall take place in the presence of or with the knowledge and consent of their commanding officer.

### ASSISTING IN CIVIL CASES:

Members shall not serve civil process nor render assistance in civil cases except as required by law where they may be personally involved or to prevent or abate a breach of peace or any crime in such cases.

### TESTIFYING IN CIVIL CASES:

Members shall not volunteer to testify in civil actions nor shall they testify unless legally summoned.

### USE OF INTIMIDATION IN CIVIL CASES:

Members shall not use their official positions as a means of forcing or intimidating persons with whom they are engaged in civil controversy to settle the case in their favor.

### NOTICE OF SUITS AGAINST MEMBERS:

Any member who has a damage suit filed against him by reason of an act performed by him in the line of duty shall forthwith notify the Chief of Police in writing, furnishing a copy of the complaint, together with a full accurate account of the circumstances in question.

Should a member of the department, after having complied with these notification requirements, decide at some later date to obtain counsel other than the attorneys from the City of Superior Legal Department, he will immediately notify the Chief of Police, in writing, of his intentions to use private counsel.



## PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 7

### GIFTS FROM SUSPECTS, PRISONERS:

Members are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee, or any other thing of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant, or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police, Sheriff's Department, or courts.

### GIFTS FROM SUBORDINATES:

Without the express permission of the Chief of Police, members shall not receive or accept any gift or gratuity from other members of the department who are junior in rank.

### SOLICITING SPECIAL PRIVILEGES:

Members shall not use their official position to expect to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or other favors, nor continually patronize, while on duty, those businesses which give free or discounted meals and/or refreshments to department employees.

### GIVING TESTIMONIALS, SEEKING PUBLICITY:

Members shall not give testimonials or permit their names or photographs to be used for advertising purposes. Members shall not seek personal publicity either directly or indirectly in the course of their employment.

### SOLICITING BUSINESS:

Members shall not solicit subscriptions, or sell books, papers, tickets, merchandise, or other things or collect or receive money or other things of value for any purpose whatsoever, except as authorized by the Chief of Police.

### RECOMMENDING ATTORNEY OR BONDSMAN:

Members shall not suggest, recommend, advise or counsel the retention of any attorney or bondsman to any person coming to their attention as a result of any business, except in the case where a relative is seeking such legal service or bail bond.



PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 7

- PAYMENT OF JUST DEBTS:

Members shall promptly pay all just debts and discharge all legal obligations and liabilities incurred by them.
- PUBLIC UTTERANCES:

Members shall not publicly express an opinion on racial, religious, political, or other controversial subjects, and shall refrain from the public discussion of the demerits of any law.
- IMMORAL OR DISORDERLY CONDUCT:

Members shall not conduct themselves in an immoral, indecent, lewd, or disorderly manner, or in a manner that might be construed by an observer as immoral, indecent, lewd, or disorderly.
- SUBVERSIVE ACTS:

Members shall not perform any acts or make any statements oral or written for publication or otherwise which tend to bring the department or its administrative offices into disrepute or ridicule, or which destructively criticize the department or its administrative officers in the performance of their official duties, and obligations of officers of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the department.
- OPPRESSIVE CONDUCT:

No member shall be guilty of oppression, favoritism, or willfull wrong or injustice.
- DRINKING ON DUTY:

Members shall not drink any intoxicating beverages while on duty and shall not drink any intoxicating liquor immediately prior to going on duty.
- INTOXICATION:

Members shall not at any time be intoxicated while on duty. Members shall not be intoxicated in public view, whether on or off duty. No member while off duty shall drink intoxicating beverages to an extent which renders him unfit to report to duty.
- LIQUOR ON OFFICIAL PREMISES:

Members shall not bring into or keep intoxicating liquor, where seal has been broken, into the Police Department or vehicle, except in the performance of their duty.
- ENTERING BARS, TAVERNS, AND LIQUOR STORES:

Members on duty or in uniform shall not enter or visit any place, bar, lounge, parlor, or club where liquor is sold or served, except in the line of duty. No member in uniform or on duty shall enter any liquor store for the purpose of purchasing intoxicating liquor.



PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 7

- CONSORTING WITH PERSONS OF ILL REPUTE:

Members shall not consort with or otherwise fraternize with known gamblers, prostitutes, drunkards, or other persons of bad character or ill repute, except to accomplish a specific assignment or mission.
- PLAYING CARDS OR POOL ON DUTY:

Members on duty or in uniform shall not engage in any game of cards, billiards, pool, dominoes, checkers, or other games in a public place.
- LOUNGING OR RESTING AGAINST PROPERTY:

Members, in uniform, shall not unnecessarily lean against any lamp post, building, elevator, car, wall, vehicle, ledge, or other projection for the purpose of lounging or resting.
- PLACES TO CONGREGATE:

Members shall not congregate in the lobby, corridors, offices, or other places in the City-County Complex, except in rooms set aside for this purpose. Members shall not indulge in horseplay or in loud and boisterous conversation in public view or hearing or in the court's premises.
- SLEEPING ON DUTY:

Members are required to be alert throughout their tour of duty. Sleeping while on duty is forbidden. If a member of the department is unable to remain awake, he shall so report to his superior officer, who shall determine the proper course of action. Superior officers shall report promptly any subordinate found violating this section. Failure to make such report will be considered neglect of duty by the superior officer.
- SHOPPING ON DUTY:

Members shall not shop, barter, or trade while on duty, nor devote any of their on-duty time to any activity other than that which relates directly to their work.
- ENTERING PLACES OF AMUSEMENT:

Members shall not enter places of amusement while on duty, except for specific purposes.



PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 7

- FALSE REPORT: Members shall not knowingly make a false report, either oral or written.
- DISPLAY OF FIREARMS: Members shall at no time unnecessarily display their firearms or draw them in any public place, except for proper inspection or for official use.
- DISCHARGING FIREARMS: No member of the department is permitted to draw or discharge a firearm except where authorized by law and permitted by department policy. Any discharge of firearms must be reported immediately to a supervisor.
- ACTING AS CORRESPONDENT: Members shall not act as newspaper, radio, or TV correspondents.
- PUBLIC STATEMENTS: Members shall not address public gatherings nor release for publication, any written material or photographs concerning the operations, policies, or administration of the department, unless authorized by the Chief of Police.
- SECURITY OF POLICE INFORMATION: Members shall not divulge any police information or make information contained in police records available to any person or agency, except as provided by the department procedure, by law, or by competent authority. Members shall treat as confidential the official business of the department.
- GIVING ASSISTANCE TO CRIMINALS: Members shall not communicate in any manner, directly or indirectly, any information which may delay arrest or enable persons guilty of criminal acts to escape arrest or punishment or which may enable them to dispose of any property or goods unlawfully obtained or any evidence of unlawful activity.
- GUARDING SOURCES OF INFORMATION: Members shall not divulge to anyone, except as directed by competent authority, the identity of anyone giving information to the department or any police agency.



PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		6 of 7

- IDENTITY OF COMPLAINANTS: Except as provided by law or as otherwise directed by competent authority, members shall not divulge to anyone the name or identity of any complainant, witness, or other person known to the department.
- PERSONAL CARDS: Members of the department are forbidden to have or use personal cards showing their connection with the department which bear any information or data not directly pertaining to their work as police officers.
- EXCHANGE OF BADGE PROHIBITED: The badge shall not be altered, exchanged, or transferred, except by order of the Chief of Police. Members shall not use another member's badge or official credentials without permission of the Chief of Police, nor shall they permit any person not appointed a member of the department to use the official badge or credentials at any time.
- UNIFORM WHILE UNDER SUSPENSION: Officers under suspension shall not wear their uniform.
- UNIFORMITY OF EQUIPMENT: Officers on-duty shall not carry any equipment which does not conform with Department specifications.
- LOSS OR DAMAGE TO BADGE: When a member's badge is lost or damaged, he shall report the fact through channels in writing to the Chief of Police. The cost of replacement or repair will be charged to the member, unless he can show that such loss or damage was not incurred through personal negligence.
- READING ON DUTY: No member shall read a newspaper, book or magazine on duty, and in view of the public, unless such reading has been assigned by a supervisory officer.
- RESTRICTED USE OF CITY VEHICLES: The operation of City vehicles, marked and unmarked, is restricted to authorized employees, unless prior approval is granted by one's immediate supervisor. Emergency circumstances may occur where an unauthorized person may be needed to drive a City vehicle. In cases of this nature, the member of the department, to whom the vehicle is assigned, will use his discretion. The reasonableness of that discretion will be decided by the supervisors of the personnel to whom the vehicle had been assigned.



# PATROL GUIDE

PROCEDURE No. 114.30

RESTRICTIONS ON ACTIVITIES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		7 of 7

USE OF CITY  
RADIO:

The operation and use of the City radio is restricted to authorized and official business. Personal conversation, vulgar and obscene language and/or unnecessary sounds will not be used nor permitted.

ON DUTY  
SOLICITATION:

Members shall not be solicited for subscriptions, books, papers, tickets, merchandise, insurance or other things, nor shall members be contacted for collections of money or other things of value for any purpose whatsoever, on duty, except as authorized by the Chief of Police.

ALTERATION OR  
MODIFICATION OF  
CITY VEHICLES:

No alteration or modification will be performed on any City vehicle unless such alteration or modification is performed, by authorized employees of the City garage, at the direction of the Chief of Police.



# PATROL GUIDE

PROCEDURE No. 115.10

DESK COURTESY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

FUNCTION:

Members shall be governed by the following policies in regard to the manner in which office duties are to be performed.

DESK COURTESY:

- Greet all persons who approach you at the desk with some polite salutation, such as "Good morning, may I help you?"
- Give immediate attention to persons appearing at the desk or window and excuse yourself from other conversations to greet a new visitor.
- Do not allow a caller to wait indefinitely without acknowledging his presence.
- Ascertain the name of the caller and call him by name.
- Be courteous, patient, and understanding of any display of anger or indignation by the caller. If a question or problem could be answered or corrected more effectively by some other member of the department, either obtain the information from the other member, or provide sufficient information to the caller to enable him to contact the proper authority.
- If an office visitor is obviously in the wrong building, explain to him where the person or agency he is seeking may be located.
- Do not adopt a patronizing attitude toward the very young or the very old visitor.
- Do not reflect an attitude of "What the \_\_\_\_\_ do you want?" or act as though your private den has been invaded by a stranger.

APPEARANCES:

Keep your desk neat, clean and business-like in appearance.  
  
Do not sit or put your feet on the desk, or permit it to be done.  
  
Ascertain that your personal appearance is neat.

COURTESY TO  
SUPERIORS:

Greet your superior officers in a cheerful manner.  
  
If it should become necessary to ask for the services of any other member of the department, and there are private citizens present, call them by rank or mister or miss.



# PATROL GUIDE

PROCEDURE No. 115.15

TELEPHONE COURTESY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

FUNCTION: Members shall be governed by the following policies in regard to the use of telephones and in handling calls received by telephone.

INCOMING CALLS: Answer the telephone promptly. An answer is considered prompt when anyone calling your number does not wait more than ten seconds from the time he dials your number until he hears your voice.

(DESK SGT.)

Always identify yourself and the Department, in order that the calling party may start his conversation immediately.

Listen to the question or complaint of the person calling.

Write down all facts and details. In all instances, an effort should be made to get information sufficient to complete the dispatching of a squad, if such is the nature of the call.

If you are interrupted by some other activity or person, ask the person calling to "please hold the line a moment."

If you feel it necessary to know the name of the person calling, politely ask, "Sir, may I ask to whom I am speaking."

When a call comes into your office for someone else and the party wanted is busy, ask them to wait a moment, then check every thirty seconds, inform them that the party wanted is still busy on another line, or he is away from his desk; take the calling person's number.

TRANSFERRING CALLS: Transfer calls only when necessary. Never transfer a call if you can be of service to the calling party.

In many cases, it may become necessary to have a call transferred to another person. If such may be the case, be sure to explain to the calling person what you are going to do and why.

MAKING FRIENDS BY PHONE: In any well organized business, it is difficult to overemphasize the importance of good telephone usage in contacts with the public. Voice is the chief means of projecting your personality over the telephone and often does more to make a favorable impression than what you say. Consequently, in addition to saying the proper things, you must say them in the proper way.



# PATROL GUIDE

PROCEDURE No. 115.15

TELEPHONE COURTESY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

MAKING FRIENDS BY PHONE, cont.: A clear conversational voice is important. Good enunciation and well modulated tone, not only are essential to accurate understanding, but also constitute a courteous compliment to the listener.

Speak with a voice that expresses: (1) courtesy, (2) cheerfulness, (3) interest in the caller's request or complaint, and (4) willingness to serve.

PATROL GUIDE

PROCEDURE No. 115.20



WEARING OF THE UNIFORM			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

All members of the Department shall wear the uniform on duty except the Chief, Assistant Chief, and those officers so ordered by the Chief of Police.

- 1. While on duty: All officers shall equip themselves with identification, a sidearm, at least 12 rounds of reserve ammunition, handcuffs and key, flashlight, writing instrument, and notebook. They should also have mace (optional), police whistle, name plate, speed loader (optional), outer garment shield/badge, and a watch (optional).
- 2. Uniform of the day: Commanding officers may, when required, wear civilian clothing or order a subordinate officer to wear civilian clothing for a specific assignment or detail.
- 3. Responsibility: Individual members are responsible for the maintenance of their uniform items. No member will be held to account for non-compliance of the rules when such non-compliance results from the inability of the officer to obtain the needed uniform items from the official police uniform supplier.
- 4. Mixing uniforms: No visible part of the uniform will be worn with civilian clothing, and while in uniform, the officer will comply with the Uniform Regulations. (except when traveling to and from work).
- 5. Distinctive clothing: Coveralls or specialized clothing or equipment may be worn while performing specialized duties with supervisory approval.
- 6. Uniform patches: All uniform jackets and shirts will display department patches on both shoulders.
- 7. Special insignia medals and patches: The wearing of any non-standard or special insignia will be by authority of the Chief of Police at his discretion.

Uniform Inventory and Rules

- 1. Each item will be followed by a designation indicating the season applicable, whether optional or not; items unclassified as to season are authorized for wear, subject to the rules, at all times.
- 2. Winter uniform items are: (Day Watch on October 1 through Late Watch on April 30):
  - a. Uniform trousers, light, medium or heavyweight, at the discretion of the officer
  - b. Uniform shirt
  - c. Uniform tie
  - d. Tie retainer (optional)
  - e. Uniform garrison cap or helmet (helmet optional) or blue trooper's hat (optional)
  - f. Functional leather equipment (department issued)

PATROL GUIDE

PROCEDURE No. 115.20



WEARING OF THE UNIFORM			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

- 3. Summer uniform items are: (Day Watch on May 1 through Late Watch on September 30):
  - a. Uniform trousers, light, medium or heavy weight, at the discretion of the officer
  - b. Uniform shirt
  - c. Uniform garrison cap or helmet
  - d. Functional leather equipment (department issued)  
(If T-shirt is worn under summer uniform, it shall be white or navy blue)
- 4. Headgear:
  - a. Blue, Air Force style, garrison cap
    - 1. Cap badge - silver for patrolmen and sergeant  
gold for ranking officers
    - 2. Cap band - black with silver fasteners for patrolmen  
- silver with silver fasteners for sergeants  
- gold with gold fasteners for ranking officers

The grommet will not be removed.
  - b. Blue fur trooper's style cap OPTIONAL  
Cap badge - silver for patrolmen  
- gold for ranking officers
  - c. Helmets - tactical use item
    - 1. Issue helmet with visor, chin cup, chin strap, face shield, head suspensions, outershell, and harnesses are available to all uniformed personnel.
    - 2. Helmets will be carried in the police vehicle.
    - 3. Rain cap cover: Optional
    - 4. Headgear will not be worn at extreme or rakish angles. The cap badge will be attached to the cap using the pre-punched holes. Headgear may be removed in the headquarters' building, while riding in a patrol car, eating, at functions where protocol dictates the necessity for removal and when the performance of the particular activity engaged in necessitates its removal.
    - 5. The wearing of safety helmets, in lieu of issued headgear, will be allowed and encouraged in those situations required by Occupational Safety and Health Act standards or when falling objects may be a hazard.



## PATROL GUIDE

PROCEDURE No. 115.21

PERSONAL APPEARANCE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

- PURPOSE:** This section is included to provide reasonable guidelines for all sworn personnel relating to appearance. Provisions of this section shall apply to all sworn personnel whether or not their duties are performed principally in uniform or principally in plainclothes.
- POLICY:** Sworn officers of the department should display to the public a professional and disciplined appearance. An officer should not bring undue attention to himself because of excesses in dress or grooming. An officer should appear to be neutral and available in all circumstances. However, an officer does not have to be so restrictive in his appearance that he will bring undue attention to himself while on his off duty time.
- HAIR:**
1. Hair of the scalp, not including the face, shall be neatly trimmed and groomed. None of it which is worn over part of either ear shall be worn long enough so as to thus extend to the lowest part of the lobe of any such ear. No hair of the scalp shall be worn so as to extend to the brow of either eye, and none of it shall be long enough to extend more than 1/8th of an inch below the top of the collar of the shirt when the individual is standing in the military position of attention. The hair of the scalp may be of so-called "block-cut" fullness, but only to a moderate extent relative to contemporary styles commonly worn in the City of Superior, Wisconsin.
  2. If sideburns are worn, they shall be neatly trimmed. The lengths of sideburns shall be equal to each other and the widths of the sideburns shall be equal to each other. They shall not be flared and they shall end with a horizontal line not lower than the lowest part of the lobe of the ear.
  3. A moustache may be worn, but only if it is neatly trimmed and does not extend below the top of the upper lip or beyond the corners of the mouth. No handlebar or drooping type of moustaches shall be worn.
  4. No beard or goatee shall be worn, except that the Chief of Police may permit certain growths and hair styles to be worn for medical considerations; any beard or goatee so permitted shall be neatly and symmetrically trimmed, and no part of it shall protrude more than 1/2 inch from the skin.
  5. No wig shall be worn except to conceal baldness or disfiguration; any wig thus worn shall be in conformity with the criteria prescribed for natural hair.
  6. Any officer who is assigned to special duty may be exempted from these regulations by the Chief of Police.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 115.21

PERSONAL APPEARANCE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

- GENERAL APPEARANCE:**
1. Uniforms will be worn in compliance with the uniform regulations.
  2. Clothing items will be kept neat, clean and well-pressed.
  3. Leather and equipment items will be kept clean and polished and in good working order.
  4. Officers appearing as witnesses in court shall wear either the uniform or conservative contemporary attire. In uniform, the jacket or blouse may be removed, as the uniform shirt is considered appropriate attire.

SUPERIOR POLICE DEPARTMENT





PATROL GUIDE

PROCEDURE No. 115.25

LOSS OF PISTOL OR REVOLVER			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

- PURPOSE: To investigate circumstances when a member of the department reports the loss of his pistol or revolver.
- PROCEDURE: When a member of the department loses his pistol or revolver:
- MEMBER OF THE DEPARTMENT:
- 1. Report loss to Shift Commander
    - a. Report to local police agency concerned, if loss occurs out of the city.
  - 2. Report the loss to the Chief of Police
- SHIFT COMMANDER:
- 1. Direct preparation of Incident Report and record facts
  - 2. Conduct investigation of loss
  - 3. Forward a copy of report to N.C.I.C.
  - 4. Prepare a copy of the report for the Chief of Police
- CHIEF OF POLICE:
- 1. Determine if disciplinary action should be taken.
  - 2. Initiate command discipline or formal charges, if required.
  - 3. Note the disposition on Shift Commander's report.



PATROL GUIDE

PROCEDURE No. 115.30

LOSS OF DEPARTMENT PROPERTY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

- PURPOSE: To investigate and record the loss of department issued or approved property.
- PROCEDURE: Upon discovering the loss of department property:
- MEMBER OF THE DEPARTMENT:
- 1. Report facts to Shift Commander, in writing, on an Incident Report, at time of loss.
  - 2. Failure to report may result in command discipline.
- SHIFT COMMANDER:
- 1. Conduct immediate investigation, if warranted.
  - 2. Necessary uniform equipment, if lost, will be replaced as soon as possible.
  - 3. Prepare supplementary report with facts for Chief of Police.
- CHIEF OF POLICE:
- 1. Determine whether further investigation is warranted
  - 2. Take other action as appropriate.





## PATROL GUIDE

PROCEDURE No. 116.10

WEEKLY INSPECTION OF DEPARTMENT VEHICLES BY PATROL SERGEANT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE:** To ensure that all marked and unmarked department vehicles, assigned equipment and related records are being maintained properly.
- PROCEDURE:** Each Sunday, after second shift is assigned, or at other times as directed by the Shift Commander:
1. Inspect each department vehicle assigned to the department for:
    - a. Serviceability
    - b. Cleanliness and condition
    - c. Accessories and equipment
  2. Direct operator to correct minor deficiencies
    - a. Verify by appropriate follow-up inspection
  3. Report results of inspection to Shift Commander on Vehicle Maintenance form.
- SHIFT COMMANDER:**
1. Prepare report of results of inspection addressed to Administrative Captain
  2. Deliver report to Administrative Captain
- ADMINISTRATIVE CAPTAIN:**
1. Make appointment with appropriate facility for vehicles requiring maintenance.
  2. Report serious deficiencies to Chief.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 116.20

PREPARATION OF VEHICLE MAINTENANCE/EQUIPMENT REPORT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE:** To report any deficiencies in vehicle operation or equipment
- PROCEDURE:** Whenever any deficiency in vehicle operation or equipment occurs:
- OPERATOR OF DEPARTMENT VEHICLE:**
1. Enter information on form
  2. If a serious or repeated deficiency occurs to warrant immediate attention, the officer may secure an incident report number from the Communications Center, and assign a number to his report (Equipment Repair).
  3. On incident card, the following information should be present:
    - a. The vehicle number
    - b. Brief description of the deficiency
    - c. Completion of the incident report is not necessary at this time.
- SHIFT COMMANDER:**
1. If minor repairs are required, the Shift Commander, at his discretion, may authorize repair at a private service center, if the deficiency occurs during non-service hours at the public service center.
  2. A bill for the services will be obtained and attached to the report.
  3. All reports will be routed to the Administrative Captain.
  4. In an emergency, when sufficient number of cars are inoperable, and which would impair the effectiveness of the patrol, the Shift Commander is authorized to call the supervisor in charge of the City Garage to inform him of the operable vehicle shortage.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 117.10

PROCESSING CIVILIAN COMPLAINTS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

PURPOSE: To record and initiate investigation of complaints from civilians alleging misconduct by members of this department.

SCOPE: Complaints against members of the department will be made through the Chief of Police, Shift Commanders, or Inspectors. All other personnel receiving complaints shall route said complaints through the above individuals.

MEMBER OF THE  
DEPARTMENT  
RECEIVING  
COMPLAINT:

Upon receipt of a complaint from a civilian alleging misconduct by a member of the Department:

1. Accept complaint as follows:
  - a. Made in person:
    1. Interview complainant and make an incident report
    2. Give complainant a statement form to fill out in his own handwriting.
  - b. Received by mail:
    1. Treat letter as original statement, ordinarily prepared by complainant.
    2. Prepare an incident report and attach letter to report.
  - c. Received by telephone:
    1. Prepare incident report
    2. Advise complainant that he must come to the police station to fill out a statement form.  
A statement must be made and signed before any action will be taken.
2. Contents of incident report will include:
  - a. Summary of alleged misconduct
  - b. Time complainant arrived, letter, or call was received
  - c. Name and address of complainant. Indicate if anonymous or transient
  - d. Name and rank of member complained of, if known
  - e. Name and rank of member transmitting information
  - f. Names of any witnesses
  - g. If complainant is apparently under the influence of an intoxicant or drug
  - h. If complainant is apparently suffering from a mental disorder or evidences any condition bearing on his credibility
  - i. The physical condition of the complainant, noting any visible marks or injuries relative to the complaint

SUPERIOR POLICE DEPARTMENT

# PATROL GUIDE

PROCEDURE No. 117.10



PROCESSING CIVILIAN COMPLAINTS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

MEMBER OF  
DEPARTMENT  
RECEIVING  
COMPLAINT, cont.:

3. Cause the following number of copies of the complainant's statement to be made:
  1. Chief of Police
  2. Incident Report
  3. Complainant
  4. Officer, if and when warranted
4. Person receiving the complaint shall notify the accused member(s) of the complaint and request said member to prepare a summary of his involvement in the incident.

NOTE:

Investigations will be conducted by supervisory personnel only.

A complainant seeking to register a complaint which does not affect this Department will be referred to the agency concerned. The Shift Commander will explain the reason for the referral to the complainant and assist him in any way possible in lodging the complaint.

SUPERIOR POLICE DEPARTMENT

# PATROL GUIDE

PROCEDURE No. 120.10



## USE OF FORCE

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

- PURPOSE:** The purpose is to establish Department policy regarding the use of force by officers of the Department. Officers are required to abide by these policies.
- POLICY:** The Department's policy is to use force, both non-lethal and lethal, to safeguard life and property in situations of danger, where all other reasonable recourses have either been exhausted and failed or were inappropriate.
- Although the careful use of force is permitted by law, and the police officer is, in fact, required to exercise force under certain circumstances, the unnecessary use of force is contrary to law, places the representative government agency in a position of civil liability, the officer in jeopardy of civil and criminal liability, and is prohibited by these policies.
- LIABILITY OF POLICY:** This policy is for internal use ONLY, and does not enlarge an officer's civil or criminal liability in ANY way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a nonjudicial administrative setting.

FORCE may be used by an officer in the performance of his duty:

- (a) when necessary to preserve the peace, prevent commission of offenses, or prevent suicide or self-inflicted injury;
- (b) when making lawful arrests and searches, overcoming resistance to such arrests or searches, and preventing escapes from custody;
- (c) when in self-defense, or defense of another against unlawful violence to his person or property;
- (d) when preventing or interrupting an intrusion on or interference with the lawful possession of property; and
- (e) to kill a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering.

# PATROL GUIDE

PROCEDURE No. 120.10



## USE OF FORCE

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 5

- DEFINITIONS:**
- LAWFUL VIOLENCE (OR FORCE) - An aggressive act committed by any officer in the performance of his duty when it is necessary to accomplish any of the objectives listed.
- NON-DEADLY FORCE - A quality or quantity of force which in the circumstances then present is neither likely nor intended to cause great bodily harm or death. Non-deadly force shall be taken to mean physical strength or skill of one or more officers, or use of mace, baton or night stick, or other such approved weapon.
- DEADLY FORCE - That which in the circumstances then present is either capable of or intended to cause great bodily harm or death. As used here, deadly force will mean that inflicted by firearms.
- APPROVED WEAPON - A weapon used by an officer in the performance of his duty and which has been approved by this Department in which the officer is employed.
- NECESSARY FORCE - The minimum amount and degree of force which may be employed in attaining the above mentioned objectives will be determined by the surrounding circumstances including, but not limited to:
- (a) the nature of the offense;
  - (b) the behavior of the subject against whom force is to be used;
  - (c) actions by third parties who may be present;
  - (d) physical conditions; and
  - (e) the feasibility or availability of alternative actions
- Under no circumstances, will the force used be greater than necessary and in no instance will deadly force be used, except in the situations stated under that section of the procedures.
- Under normal circumstances, only the methods or instrumentalities listed below may be used to apply force. These methods are listed in ascending order from the least severe to the most drastic.
- (a) physical strength and skill
  - (b) issued mace, gas, or noxious substance
  - (c) issued baton or nightstick
  - (d) issued service revolver or other issued firearm and issued ammunition (See Off Duty Weapons)

No weapon shall ever be displayed or brandished as a threat unless its actual use in the situation would be proper. However, weapons may be readied for use in situations where it is anticipated that they may be actually required.



## PATROL GUIDE

PROCEDURE No. 120.10

USE OF FORCE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 5

No officer shall carry or, in normal circumstances, use any weapon unless it is issued or approved (See Off Duty Weapons) and until he has been properly trained in its use. "Training" shall include both proficiency in technical, mechanical, and physical aspects of the use of the weapon, and also knowledge and understanding of the law, these rules, and any other regulation regarding use of the weapon.

No officer shall in any material way modify or alter an approved weapon.

### USE OF NON-DEADLY FORCE:

Non-deadly force may be used in instances where an officer must take aggressive physical action to achieve any of the lawful objectives listed.

Whenever an officer finds it necessary to use non-deadly force to achieve a lawful police objective, it shall be incumbent upon that officer to use every reasonable means of employing the least amount of force to effect the purpose. However, nothing in this policy shall be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat or struggle rather than resort to that method which will most quickly and safely bring the arrestee under control.

CHEMICAL MACE may be used when the officer, while performing his official duties, is required to use physical force, either to protect himself from assault or to subdue a person engaged in unlawful activities. Chemical mace shall not be used if the resistance is minor, not hazardous to the officer (or a third party), or if the resistance can be overcome by the officer's physical prowess, or by several officers acting together. (See removal of mace procedure below.)

BATON OR NIGHTSTICK may be used by an officer to subdue a violently resisting subject or in self-defense or defense of a third party if lesser methods have failed or if circumstances warrant the immediate use of the baton.

- Blows from the baton capable of inflicting permanent injury must be avoided, if possible.
- The baton should not be used as a club or bludgeon, and it should, if possible, not be raised above the head to strike a blow to any person.
- Blows with a baton shall be short and snappy and shall, if possible, be delivered only to the vulnerable areas of the body which will render the opponent temporarily incapacitated but will not cause serious bodily harm.

The baton may also be used as a barricade or repelling device in

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 120.10

USE OF FORCE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

crowd-control situations, or to ward off blows from an assailant.

HANDCUFFS - Only department issued or approved handcuffs will be used and their use will generally be limited to the following circumstances:

- to restrict the movement of a person placed under arrest
- to transport a prisoner when in custody
- to detain a person who is violent upon being apprehended or placed under arrest
- to temporarily immobilize a mentally disturbed person who becomes violent.

If handcuffs are to be used, the person should have both hands cuffed behind his back, if possible, and/or feasible at the time.

If two prisoners are to be handcuffed together, the right hand of one prisoner should be handcuffed to the right hand of the second prisoner.

Handcuffs should be removed from a prisoner as soon as it becomes safe in order to minimize the danger of injury from the handcuffs.

Only handcuffs with a double locking device should be used as this device prevents a prisoner from squeezing the handcuffs tighter on his wrists and injuring himself. (Whenever possible, the double lock provision should be implemented.)

The use of other department issued restraining devices will follow the guidelines set forth in this procedure. Persons shall not be handcuffed to moveable objects.

### REMOVAL OF MACE:

When mace is used on a subject, advise him that he should cleanse his face and affected body parts with water. Washing facilities should be provided for him. This should be done as soon as possible after arriving at the station, jail or hospital. If mace is accidentally discharged or there will be a delay in transporting to the station, jail, or hospital, the victim should be moved into fresh, clean air and should stand facing the wind with the eyes open until the irritation subsides. The victim should also be advised not to rub his eyes after exposure as this will increase the irritation, and the contaminated area should be flushed with cold water, if possible. (Under no circumstances should salves, greases, or oils be applied to the affected area.)

**SUPERIOR POLICE DEPARTMENT**



PATROL GUIDE

PROCEDURE No. 120.10

USE OF FORCE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 5 of 5

USE OF  
DEADLY FORCE:

Deadly force, as used in this procedure, shall mean the discharging of a firearm in the direction of a person (or animal) to cause death or great bodily harm. No other form of deadly force is authorized.

An officer's firearm is used to defend himself and/or others against varying degrees of force, or the threat of imminent grievous bodily harm or death to himself or others. Circumstances surrounding the justification of his decision to shoot are usually known only by the officer at the time he decides to discharge his firearm. It is a heavy responsibility, but the law authorizes him to assume it and no policy of this Department shall take away his authority to do so.

The use of deadly force by an officer during the performance of his duty is restricted to the following:

- (a) When necessary in self-defense and/or defense of a third person's life, proving such deadly force is necessary and other methods of defense have failed or are clearly useless.
- (b) When necessary to kill a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering.
- (c) When specifically allowed by state or federal statute

FORBIDDEN  
PRACTICES:

The immediate safeguarding of the life of the officer or third party shall outweigh all other considerations in the use of firearms, but a precise determination must be made as to whether the consequences of employing deadly force would be likely to pre-empt the police purposes served by its use. Therefore, the following practices are specifically forbidden:

- (a) Firing of warning shots
- (b) Firing into crowds
- (c) Firing over the heads of crowds except on specific order of a commanding officer
- (d) Firing into buildings or through doors when the person fired at is not clearly visible, unless officers are being fired at or upon from such buildings or through such doors.
- (e) Firing at a moving vehicle is forbidden unless in a life threatening situation.



PATROL GUIDE

PROCEDURE No. 120.15

USE OF FORCE REPORT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 3

PURPOSE:

The purpose of this policy is to establish Department standards to be used in determining whether force used in a particular situation was necessary and whether or not it was excessive. The reporting procedures are designed for speed, efficiency and completeness in assisting officers to meet their responsibilities to both citizens and the Department.

The basic police mission, Order Maintenance and Protection of Life and Property, sometimes makes Use of Force necessary.

The necessity to use force carries with it the responsibility for officers to promptly, adequately and truthfully report such incidents. Each reported incident shall be brought to an immediate supervisor's attention for the following three reasons:

- (a) Mandatory reporting better assures citizens that each incident of this type will be known, and causes supervisors to be more aware of the activities of their personnel.
- (b) Use of force reports tend to protect officers from Civil Liability should an action be brought against them and provides officers with a mechanism to have their actions formally examined by the Department when necessary.
- (c) Administrators are assisted by these reports in the important function of monitoring the activities of both officers and their supervisors.

POLICY:  
(MEMBER OF  
FORCE)

A Use of Force Report will be completed whenever any of the following conditions or situations exists or existed:

- (a) Drawing and pointing a weapon in direct confrontation with a person to overcome resistance or attack (not to include the drawing of a firearm as a safety measure when responding to an incident where the officer may have his weapon ready as a precaution.)
- (b) Spraying any substance on or at a person
- (c) Anytime an officer charges a person with Resisting Arrest.
- (d) Anytime an officer acts in such manner as to cause him to believe he has or may have caused physical injury to a person or persons (excluding automobile accidents).
- (e) Anytime an individual complains of physical injury or harm to himself from an incident involving an officer (including the officer himself).

This report will be completed in addition to the standard incident report required of all reportable incidents.



## PATROL GUIDE

PROCEDURE No. 120.15

USE OF FORCE REPORT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 3

SHIFT COMMANDER: All Shift Commanders are required to inform all involved officers of any change of status in the Use of Force Report that occurs during the Shift Commander's tour of duty. Such changes shall be noted on the Use of Force Report by the Shift Commander.

USE OF HOSPITAL: Anytime the above defined force has been used against a person, with the exception of subsections (a) and (c), an officer must take the person to a City of Superior hospital and give him the opportunity to be examined and/or treated.

If the person refuses treatment at the hospital, the officer must obtain the name of the doctor, nurse or other hospital employee to whom the refusal was made and include this name in the Use of Force Report.

USE OF PHOTOGRAPHS: Photos will be taken of all parts of the body where force under subsections (d) and (e) was directed by the officer and any parts of the body the subject claims was injured by the officer. This includes whenever an officer has been injured or claims to be injured. If injuries are not apparent or visible at the time of the claim, the claimed injured area shall be photographed again when it is more apparent and the time and date shall be noted specifically for said photos.

Photos taken under these conditions shall not be disseminated in any way except for the express purpose for which they were taken. They are to be utilized ONLY when a Use of Force Report complaint has been lodged in behalf of or against an officer.

REFUSAL OF PHOTOGRAPHS: Should a person refuse to be photographed, his injuries, if any, shall be fully described in the officer's report. Print REFUSED in the proper area of the Use of Force Report.

REMOVAL OF CLOTHING: Clothing should be removed to expose the part of the body being photographed.

- (a) Anytime a person is asked to remove clothing, the only other persons to be present are the Photographer and an individual of the same sex as the person to be photographed. Matrons and female police officers will be used as witnesses when the person being photographed is a female. The name of the witness who was present shall be included in the Use of Force Report.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 120.15

USE OF FORCE REPORT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 3

- (b) Every effort will be made to minimize embarrassment to the person being photographed.

### CONTENTS OF REPORT:

The form has been designed to furnish the Department with all possible information needed when properly executed. The form also provides the officer with as much protection as possible against Civil and Criminal Liability. It is important that all possible areas of the form be completed.

The Narrative Details section of the form is to be used to fully describe the incident. Limit descriptions to the person's actions which made force necessary and the ACTUAL FORCE used by the officer. Background and other details shall be included in the attached offense and/or arrest report.

SUPERIOR POLICE DEPARTMENT



USE OF FORCE REPORT ILLUSTRATION 120.155

USE OF FORCE REPORT

Subject's Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Sex \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_ SS # \_\_\_\_\_ Date of Incident \_\_\_\_\_ Time \_\_\_\_\_  
 Location of Occurrence \_\_\_\_\_  
 Investigating Supervisor's Name \_\_\_\_\_

TYPE OF FORCE USED: ☐ Baton ☐ Chemical Mace ☐ Punched ☐ Kicked ☐ Wrestled ☐ K-9  
☐ Tripped ☐ Struggled ☐ Pushed ☐ Firearm (Not Discharged) ☐ Limb Twisted ☐ Other

If chemical mace, was person advised of first aid procedures on the possible effects of the mace? Yes ☐ No ☐

TYPE OF INVESTIGATION: ☐ Family Trouble ☐ Traffic ☐ Drunk ☐ Bar ☐ Street Gathering  
☐ Other (Be Specific) \_\_\_\_\_

HOW DID YOU ENCOUNTER THE SITUATION? ☐ Routine Patrol ☐ Dispatched ☐ Other \_\_\_\_\_

DID SUBJECT HAVE VISIBLE INJURIES? ☐ Yes ☐ No If Yes, Describe in Detail \_\_\_\_\_

IF NO, DID SUBJECT COMPLAIN OF INJURY? ☐ Yes ☐ No If Yes, Describe Complaint \_\_\_\_\_

NAME HOSPITAL SUBJECT TAKEN TO \_\_\_\_\_ WHEN AT HOSPITAL WAS SUBJECT  
☐ Examined ☐ Treated ☐ Admitted ☐ Released ☐ Refused Treatment If Treatment was  
 Refused, Obtain Name of Doctor, Nurse or Other Hospital Official To Whom Refusal Was Made \_\_\_\_\_

WAS SUBJECT LOCKED UP? ☐ Yes ☐ No If Yes, List Charges \_\_\_\_\_

If No, Why? \_\_\_\_\_

WAS SUBJECT PHOTOGRAPHED? ☐ Yes ☐ No WAS OFFICER PHOTOGRAPHED? ☐ Yes ☐ No

If Yes, Name of Photographer \_\_\_\_\_

Number of Photos \_\_\_\_\_ Name of Witness Present \_\_\_\_\_

Parts of Body Photographed \_\_\_\_\_

If No, Why? \_\_\_\_\_

WAS OFFICER(S) INJURED? ☐ Yes ☐ No If Yes, Give Name and Describe Injuries \_\_\_\_\_

WAS EMPLOYEE INJURY REPORT MADE? ☐ Yes ☐ No If No, Why? \_\_\_\_\_

NARRATIVE DETAILS: Limit description to the actions of the subject which necessitated the use of force AND the actual force used by the officer(s). Background information and surrounding details are to be included in the Incident Report and Injury Report where applicable.

(Continued on next page)

REPORT CONTINUED

(If Additional Space Is Needed, Use a Separate Sheet Of Paper and Attached Hereto)

WITNESSES TO INCIDENT

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_ Time to Contact \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_ Time to Contact \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_ Time to Contact \_\_\_\_\_

HOSPITAL WAIVER FOR ADULTS

WAIVER CAN BE USED FOR JUVENILES ONLY WHEN AT LEAST ONE PARENT SIGNS AS WITNESS

WAIVER MAY BE USED WHEN SUBJECT REFUSES MEDICAL ATTENTION.

I Hereby, VOLUNTARILY Waive Being Taken To a Hospital To Be Checked Or Treated.

(Witness to Subject's Signature) \_\_\_\_\_ (Subject's Signature) \_\_\_\_\_

(Witness to Subject's Signature) \_\_\_\_\_

When waiver is used, the Use of Force Report is to be executed with exception of hospital information.

OFFICERS ON INVESTIGATION



## PATROL GUIDE

PROCEDURE No. 120.20

### K-9 OPERATIONS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 6

- PURPOSE:** This section is presented to inform personnel of the operations and procedures in the proper utilization of the Police K-9 unit.
- MISSION:** The mission of any K-9 unit is to provide:
1. assistance in the prevention and detection of crime
  2. the tracking of individuals sought by the police
  3. protection of officers and innocent third parties in the taking of individuals into custody
  4. crowd control in other than peaceful circumstances
  5. such other duties which may be or will be within the scope of the department, i.e. public relations
- USE OF FORCE:** The use of K-9 units is a legitimate tool in law enforcement and due to their deterrent effect and use in making or affecting arrests, is to be construed as a use of force. In this regard, K-9 handlers, their fellow officers, and their supervisors shall be guided by the use of force guidelines presented in this patrol guide.
- RESPONSIBILITY:** In any situation wherein the assistance of a K-9 unit is requested, the K-9 officer is responsible, unless he is relieved of the responsibility by a superior officer, for making the decision whether and how to use the K-9 unit and shall be accountable for such under the provisions of this patrol guide, the ordinances of the City of Superior, and County of Douglas, the statutes of the State of Wisconsin, and the United States Constitution.
- NAME:** The official name of department K-9 units shall be "Superior Police K-9 Corps."
- ADMINISTRATIVE CAPTAIN:** The Administrative Captain shall be responsible for:
- (a) the organization, training, state of readiness and the tactical deployment of the resources of the K-9 units which shall be under the direct supervision of the Chief of Police or his representative
  - (b) the screening of all dogs donated to the corps
  - (c) keeping full records of all dogs that have been or are being utilized by the corps
  - (d) seeing that all dogs receive their medical examinations before they enter training in the K-9 Corps school, and that the dogs receive periodic medical examinations and any necessary shots or treatments deemed necessary for full performance

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 120.20

### K-9 OPERATIONS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 6

- K-9 UNIT:** Members of the K-9 unit shall:
- (a) be assigned a marked K-9 patrol vehicle so that each dog may be properly transported to and from duty and to and from various assignments involving patrol duties
  - (b) be available, as any other officer, for emergency duty
  - (c) perform the regular duties of the K-9 unit, except when their services are required and authorized for special details or training purposes
  - (d) not to be relieved from conforming to or complying with all standing guides and orders of the department
  - (e) possess a calm temperament and not be subject to hasty actions
  - (f) be fond of dogs and shall have a desire to work with them
  - (g) be volunteers who reside in dwellings that have suitable areas to construct and maintain proper kennel facilities, and have the acceptance of their family to be a K-9 handler
  - (h) be in good physical condition, able to perform rigorous police work and have demonstrated interest, proficiency, and tidiness in their police work and their ability to work with others.
- USE IN CITY OF SUPERIOR:** Requests for the use of the K-9 unit should be made by the senior officer present at the scene of an incident
- SHIFT COMMANDER AND PATROL SERGEANT:** Such requests should be made to the Shift Commander or the Patrol Sergeant who shall direct that K-9 assistance be dispatched. (If no K-9 is on duty, then the request must be directed through the Shift Commander).
- MEMBER OF THE DEPARTMENT:** Upon the arrival of the K-9 unit at the scene, the situation shall be fully explained by the individual making the request.

**SUPERIOR POLICE DEPARTMENT**



PATROL GUIDE

PROCEDURE No. 120.20



K-9 OPERATIONS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 6

K-9 UNIT: In the absence of a superior officer at the scene, the K-9 unit shall be responsible for determining whether:

- (a) the circumstances justify use of the K-9 unit
- (b) the tactical deployment or utilization of the K-9 unit

MEMBER OF THE DEPARTMENT: When the K-9 unit is deployed, all officers present at the scene shall comply with the orders of the K-9 so that said unit can be utilized efficiently, effectively, and with little interruption of standard police procedure.

PATROL SERGEANT OR SUPERVISOR: If a patrol sergeant or supervisor is present at the scene, he will assume responsibility for making the decision whether to use the K-9 unit. However, if the K-9 unit believes that the use of the K-9 unit is unjustified, or is tactically unfeasible, he will so advise the superior officer at the scene, who, in fulfilling his responsibility, shall then determine whether or not to deploy and use the K-9 unit.

USE OUTSIDE CITY OF SUPERIOR:

All requests for assistance of the K-9 unit for use in areas outside the City of Superior shall be directed to the Chief of Police or the Shift Commander on duty. All such requests shall be accorded immediate and careful consideration, and when, in the opinion of the Chief of Police or his representative, the service can and should be provided from the resources available, and the need appears to justify the use of the K-9 unit, the request shall be approved and the following actions taken:

- (a) ascertain that the request has been made by the requesting jurisdiction
- (b) advise the K-9 unit of the request, including any special requirements
- (c) dispatch the K-9 unit
- (d) advise the requesting agency of the decision authorizing the use of the K-9 unit and the approximate time the K-9 unit or units will arrive for service

PATROL GUIDE

PROCEDURE No. 120.20



K-9 OPERATIONS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 6

SHIFT COMMANDER: The Shift Commander will prepare a follow-up written report (Incident Number) for the Chief of Police furnishing complete information relative:

- (a) the request
- (b) the need for such service
- (c) the action taken on the request
- (d) the results of the assistance provided

TRAINING OF K-9 UNITS:

- (a) Before any K-9 starts training, it shall be given a medical examination by an approved veterinarian.
- (b) Initial training shall be for such time as is necessary for personnel and K-9's to be fully familiar with all commands and signals.
- (c) Dogs shall not be used on official police duty while in training status, unless specifically authorized by the Chief of Police or his designate.
- (d) K-9's shall not be abused or mistreated and only such force as is absolutely necessary to restrain them, will be permitted.
- (e) Training shall be conducted in an orderly fashion during all work sessions with periodic breaks for relaxation of K-9's and personnel.
- (f) Persons not allowed or assigned to the K-9 Corps shall not be permitted to interfere or disrupt the training at any time.
- (g) Training shall not be permitted without proper equipment.
- (h) Training shall be conducted only on approved training grounds prescribed by the Chief of Police through the Administrative Captain.
- (i) Safeguards shall be employed to prevent injuries to K-9's, personnel, and third parties during training.
- (j) No personnel or K-9 shall participate in training, unless physically fit to do so. The Administrative Captain will be informed of all incapacities to K-9's or personnel immediately.



## PATROL GUIDE

PROCEDURE No. 120.20

K-9 OPERATIONS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 6

**RETRAINING:** Training shall continue after graduation of K-9's as often as the Chief of Police prescribes in compliance with regional and national standards, as they may be interpreted with a minimum of one day per month as a complete K-9 unit and one week per year as a refresher training session.

**OFFICIAL RECORDS:** The Administrative Captain will keep an official record for the K-9 unit as to the hours spent on training, retraining, on the street training, public relations contacts, all awards and commendations, legal actions and dispositions, and other items pertaining to the unit.

**INJURED K-9 HANDLERS:** If a K-9 handler becomes incapacitated or injured and is unable to handle his dog, officers at the scene should:

- (a) Attempt to get another K-9 handler from the department to the scene as soon as possible. If one is not available, then contact either the Douglas County Sheriff's Department or Duluth Police Department's K-9 handler for assistance.
- (b) If possible, try to call the dog into the rear of an open vehicle.
- (c) If all else has failed, notify a member of the K-9 handler's family.

**CONDUCT IN PRESENCE OF K-9 UNIT:**

**MEMBER OF THE DEPARTMENT:**

- (a) Do not enter any building, structure, facility, or area that is being searched by a K-9.
- (b) Do not run in front of a K-9 when he is responding to an assignment.
- (c) Do not run after a handler if the K-9 is off its leash.
- (d) Do not make any aggressive gestures toward any handler.
- (e) Do not attempt to give the K-9 commands.
- (f) Do not attempt to touch, handle, or pet a K-9 without the handler's permission.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 120.20

K-9 OPERATIONS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		6 of 6

- (g) Do not attempt to feed a K-9.
- (h) Do not attempt to enter or retrieve anything from within a K-9 vehicle that is unattended.
- (i) Do not unholster sidearms or check handcuffs in the presence of K-9's, except in emergencies.

**EQUIPMENT:** The City of Superior shall provide:

- (a) concrete slab for the kennel
  - 1. When personnel are no longer assigned to the K-9 unit, the concrete slab of the kennel becomes the responsibility of the individual and no longer of the City.
- (b) all other necessary equipment for training and patrol duties as deemed necessary by the Chief of Police or his representative.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 130.10

### STOP AND FRISK

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 8

**PURPOSE:** The purpose of these guidelines is to provide the officers of this Department with procedures to properly protect themselves from potential harm when, in the performance of their duties, and in seeking to control crime.

**POLICY:** Officers of this Department should employ the procedure of Stop and Frisk in any situation that involves:

- temporary detention
- field questioning
- limited search for weapons

Of persons who are reasonably suspected of:

- committing a crime, or
- being about to commit a crime, or
- having recently committed a crime

And, who are also suspected of being armed

#### DEFINITIONS:

**ACCESS AREA:** Readily accessible places where a weapon could be concealed and used in assaulting an officer or other person; may include: when the suspect is stopped in or near an automobile and frisked near it, an unlocked glove box, the areas above the visors and beneath the front seat, or under clothing, paper or other matter on the car seat; many parts of the human anatomy, hand-carried cases, packages, purses, and bags.

**ARMED:** Carrying a weapon or other instrument capable of inflicting death or serious bodily injury.

**ARREST:** The intentional seizure of a person, whether actual or constructive, by an officer who is acting under real or assumed legal authority to do so, coupled with a recognition of the arrest by the person arrested, for the purpose of bringing him before a court to answer for the commission of an offense or crime; distinguished from "stop" and "detention."

**CONTACT:** An encounter initiated by a police officer to interview a non-suspect.

**CRIME, CRIMINAL ACTIVITY:** Any act or omission prohibited by statute or ordinance and punishable by fine or incarceration.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.10

### STOP AND FRISK

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 8

**FRISK:** Jargon referring to a limited search of a person to discover weapons; that search described by "pat-down."

**FULL SEARCH:** A complete and unrestricted search of a person who has been arrested to discover weapons, contraband, and the fruits, instrumentalities and evidence of a crime.

**INTERROGATION:** The questioning of a person suspected of criminal activity who has been stopped or arrested.

**INTERVIEW:** The questioning of a person who is not suspected of criminal activity at the time of the encounter. If a person being interviewed becomes a suspect; the questioning then becomes interrogation.

**NON-SUSPECT:** A person who is not suspected of criminal activity, but who may be interviewed by an officer about criminal activity or any other matter within the scope of the officer's duties.

**OUTER CLOTHING:** A generic description of one's garments including coats, waistband, and pocket exteriors when inside heavy coats, hats, pants, cuffs, boot tops, and such other places where a touching of a person would reveal if he is armed. See also "access area."

**PAT-DOWN:** The feeling, with sensitive fingers, of every portion of the suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, the groin and the entire surface of the legs down to the feet, the method for conducting a limited search or a "frisk."

**QUESTIONING:** Either the interview of a non-suspect or the interrogation of a suspect. See interview and interrogation, above.

**PROBABLE CAUSE:** Facts or circumstances which would lead to a reasonable, cautious and prudent person to believe that a crime has been committed, that a particular person has committed it, or that seizable items will be found in a particular place.

**REASONABLE SUSPICION:** Facts or circumstances which would lead a reasonable person to suspect that a crime has been committed or that a particular person is armed; less than probable cause but more than a mere hunch.

**SEARCH:** Either a full search predicated on probable cause or incident to lawful arrest, or a limited search known as a "frisk," consisting of a pat-down and inspection of nearby access areas.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 8

- STOP: An intentionally initiated encounter and temporary detention by an officer of a person who is suspected of involvement in criminal activity, in order that the person may be interrogated; not an arrest.
- SUSPECT: A person thought to be possibly involved in criminal activity.
- CONTACTS AND INTERVIEWING:
- POLICE STOP: A police officer may contact any person and interview him whenever he feels the interview is necessary, providing the officer is in a place he has a right to be. An officer need only show that the encounter is reasonable under the circumstances to justify the interview. However, he may not arbitrarily halt any citizen he sees on the streets.
- IDENTITY OF OFFICER: A police officer must identify himself as an officer when initiating a contact, unless his identity is obvious.
- DETENTION OF NON-SUSPECTS: Persons contacted for the purpose of an interview who are non-suspects may not be detained against their will for interrogation purposes, or frisked. They may be requested to identify themselves and may be arrested for failure to comply if, and only if, they are believed to be witnesses.
- RELEASE OF NON-SUSPECTS: Persons contacted for interviews must be permitted to go on their way if they choose to do so. However, they may be kept under a close watch if this action is thought necessary, and said watch is conducted in a reasonable manner.
- DETENTION OF SUSPECT: When, during an interview of a non-suspect, an officer develops a reasonable suspicion that criminal activity is afoot, the person may be considered a suspect, and detained.
- STOPS FOR INTERROGATION:
- CRIMINAL ACTIVITY: A police officer may stop any person he sees and interrogate him, whenever he reasonably suspects that person may be involved in criminal activity. This includes both pedestrians and motorists; however, the officer must be in a place he has a lawful right to be, before he makes the stop.



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 8

- TEMPORARY DETENTION: A person stopped for interrogation may be temporarily detained for the purpose of conducting the investigation. Such persons are not free to leave the scene, and may be restrained from attempting to do so when necessary.
- EXPLAIN REASON FOR STOP: Before an officer stops a person for interrogation, he must be able to point to specifically described suspicious conduct or circumstances that justify the detention. Some of the things which would assist an officer in justifying a stop and detention are:
- (a) The suspect is making evasive or furtive movements.
  - (b) The suspect fits a "wanted" notice.
  - (c) The suspect is near the scene of a recently committed crime.
  - (d) The suspect's demeanor or presence is unusual for the time or the place.
  - (e) The officer has received information that the suspect is involved in criminal activity.
- RELY ON EXPERIENCE: In evaluating the person's conduct or appearance, a police officer can rely on his training and experience to determine better whether the person is involved in criminal activity.
- CITIZEN INFORMANT: A police officer can base his suspicion that a person is involved in criminal activity upon information received from a citizen informant, including an anonymous informant.
- SERIOUSNESS OF CRIME: When the crime suspected is serious, a detention and interrogation of a suspect is more justified than when the crime suspected is of a less serious nature.



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 5 of 8

- EXPLANATION: A police officer must be able to explain the reason why a person was detained and interrogated. He does not need to point to any one thing that alone would justify his action, but may refer to several things, each of which when taken alone may seem innocuous, but when considered together by a policeman who is trained or experienced in ferreting out criminal activity, raise a reasonable suspicion of criminal activity.
- WITNESS TO CRIME: An officer who reasonably suspects that a person whom he encounters is witness to a crime, may detain and interrogate that person for the sole purpose of learning his identity and his future whereabouts.
- DETAINED FOR INFORMATION: A person lawfully stopped may be detained for the length of time necessary to:
- (a) verify his identification;
  - (b) account for his conduct;
  - (c) account for his presence; and
  - (d) to ascertain whether a crime has been perpetrated.
- MAY REMOVE FROM SCENE: A person so detained may be required to accompany the officer away from the scene of the initial encounter for any legitimate reason, including, but not limited to, the following:
- (a) to a radio car, call box, or station house for a records check; or
  - (b) to inspect a nearby location for evidence of a crime; or
  - (c) to a motor vehicle thought to be connected with the suspect.
- DETENTION AGAINST WILL: A person who is detained against his will shall be informed by the officer that:
- (a) He is not under arrest, but is being temporarily detained to determine if any criminal activity is involved.
  - (b) He is not required to answer any questions, and if he does so, anything he says may be used as evidence against him; and
  - (c) If he refuses to answer the officer's questions satisfactorily or to produce identification, such refusal will be considered, along with other facts, to determine whether an arrest should be made.



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 6 of 8

- RELEASE FROM DETENTION: A person detained against his will shall be released:
- (a) As soon as he provides a satisfactory explanation of his presence and his actions, and produces valid identification; or
  - (b) After a reasonable length of time if the officer has been unable to develop grounds to arrest him; or
  - (c) Unless he is arrested.
- USE OF FORCE: An officer may use any reasonable amount of force, except deadly force, unless deadly force is offered, necessary to detain and overcome resistance of a person who is reasonably and actually suspected of criminal activity under these rules. (See Use of Force Guideline).
- FRISKS: A police officer may frisk any suspect the officer reasonably suspects is armed.
- BEGIN FRISK IMMEDIATELY: An officer should begin the frisk immediately, if he reasonably suspects the person is presently armed, and prior to commencing the questioning process; or
- DURING OR AFTER QUESTIONING: During or after the questioning process, if grounds to suspect that the person is armed did not exist at the time the encounter began, but later develop.
- FACTORS WHETHER TO FRISK: Some of the factors which an officer may consider in determining whether a frisk of persons detained is warranted include, in combination with any of the factors underlying the detention (As listed in "Explain Reason for Stop."):
- (a) If the suspect attempts to flee from the officer when stopped; or
  - (b) If the suspect fails to produce valid identification and is unable to account for his actions or presence (or refuses to talk to the officer at all); or
  - (c) If a companion is found to be armed; or
  - (d) If the suspected crime involves the use of weapons; or
  - (e) If the officer observes bulges in the suspect's clothing or efforts to conceal objects.



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		7 of 8

- (f) Knowledge by the officer that the suspect has been reported to customarily or occasionally carry weapons.
- (g) If the suspect offers a patently false or fabricated story.

## USE OF INFORMANT:

A police officer can base his judgement on whether a person is actually suspected of being armed, upon information received from an informant.

## EXPLANATION OF FRISK:

A police officer must be able to explain why a person is stopped and frisked. He does not need to point to any one thing that would justify his action, but may refer to several things, each of which when taken alone may seem innocuous, but when considered together by a policeman who is trained or experienced in dealing with criminal suspects, raise a reasonable suspicion that the person stopped is armed.

## SCOPE OF FRISKS:

### SEPARATION FROM PERSON:

A frisk is a limited search and is restricted to a pat-down of the suspect's outer clothing and a search of certain access areas. Before the frisk is begun, an officer shall separate from the person and set aside any hand-carried or shoulder-worn items.

### PROCEDURE OF PAT-DOWN:

The pat-down shall consist of feeling the suspect's outer clothing, and shall start at that location where a weapon would most likely be concealed. This location will differ based on the type of clothing worn and weather. The pat-down should proceed to the next most likely places. The process should continue until the officer has felt, using his fingers, every portion of the suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, groin area, and the entire surface of the legs, down to the feet.

### HEAVY AND LIGHT CLOTHING:

The officer shall open a suspect's coat or other heavy garments and pat-down his inner clothing, when the garments worn are too bulky to permit a pat-down (which would reveal a weapon, if one is concealed). An officer shall not open inner clothing to pat-down underclothing unless he has probable cause to extend the search and the person is under arrest.



# PATROL GUIDE

PROCEDURE No. 130.10

STOP AND FRISK			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		8 of 8

## GOING FOR THE WEAPON DIRECTLY:

The officer who has a reasonable suspicion that a weapon is secreted in a particular place on a suspect may reach directly into that area to seize it. An officer must be able to justify this action, based on facts that led him to suspect that a weapon would be found at that location.

## HAND-HELD OR CARRIED ITEMS:

The officer shall, before returning them, also search hand-held or carried items which could conceal a weapon, by squeezing them if they are flexible, or opening them if they are not.

## SEARCH OF VEHICLE:

The officer should conduct a limited search of the suspect's car if the suspect is in it, or near enough to it to seize a weapon, if he suspects that it contains a weapon. The limited search shall be restricted to access areas, as defined herein.

## RESULTS OF FRISKS:

REMOVAL OF ITEM: When an officer, during the course of a lawful frisk, feels an object or item that he reasonably suspects is a weapon or dangerous instrument, he shall remove that object or item for closer examination.

## CONCEALED WEAPONS:

If the object or item removed is a weapon, and the person is not exempted from the Wisconsin Statutes, prohibiting the carrying of concealed weapons, the officer shall arrest the person. He shall inventory the weapon as evidence and make a full search of the person arrested.

## CONDUCT COMPLETE SEARCH:

If the object or item removed reasonably appears to be or to contain contraband or evidence, the officer shall arrest that person, conduct a complete search of his person, and inventory the contraband or other evidence seized.





## PATROL GUIDE

PROCEDURE No. 130.20

CUSTODY SEARCHES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 5

### PROCEDURES:

BOOKING SEARCHES: A prisoner may be searched during the booking process in order to:

- (a) remove items which he might use to escape
- (b) remove items which he might use to injure himself or others
- (c) remove and seize any contraband
- (d) inventory and prohibit his property from damage or theft while he is incarcerated

LEGALITY: The legality of the jailhouse search rests upon the need to insure both the efficient operation and administration of the jail and the safety of the prisoner, other prisoners and the officers.

### Exigent Circumstances

### PROCEDURES:

#### IMMEDIACY OF CIRCUMSTANCE:

An officer may enter any premises or vehicle without a search warrant whenever he reasonably believes that immediate entry is necessary to:

- (a) aid persons in immediate danger of death or serious bodily harm; or
- (b) prevent the destruction of non-seizable property

Following entry, the officer may search the premises only to the extent necessary to carry out the purposes of the entry.

HOT PURSUIT: An officer who is in hot pursuit of a fleeing individual may pursue him into a vehicle or premises, in order to arrest him. Following entry, the officer may search the premises only to the extent necessary to locate the suspect and to protect himself or other officers present.

#### SCOPE LIMITATION:

Once the suspect is arrested, any further searching must be in accord with other sections of this guide. However, any incriminating evidence inadvertently discovered, may be legally seized.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.20

CUSTODY SEARCHES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 5

### Open Fields and Abandoned Property

PROCEDURES: An officer may, without a warrant, search for and seize seizable items in any open field. Also, an officer may, without a warrant, search and seize any abandoned property.

PUBLIC ACCESS: An officer may also confiscate a seizable item which a suspect conceals in a place where it might be discovered by a member of the public.

ABANDONED PREMISES: When an officer has probable cause to search any abandoned premises, and the time permits, he should obtain a search warrant.

### Consent Searches

### PROCEDURES:

AUTHORITY: Whenever an officer desires to make a search which is not authorized by this guide, and for which he cannot or does not want to obtain a warrant, he may request consent to search from any person who has authority over the thing or place to be searched.

#### PERSONS GIVING CONSENT:

Among the persons from whom consent can be obtained are:

- (a) defendant's spouse
- (b) individual who owns an apartment and with whom a defendant is staying
- (c) the person in lawful possession of an automobile. Note: if recovered stolen property, then police are in lawful possession
- (d) a lessee who controls, manages, and/or possesses the premises
- (e) a lessor (landlord), but he can consent only as to premises not covered by a lease
- (f) joint user and possessor of an item or an area, e.g. duffle bag, common areas of a house or an apartment.

ADVISE PERSON: The officer shall advise the person whose consent is being sought that:

- (a) he has the right to refuse to consent, and
- (b) anything found may be seized as evidence

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No. 130.20



CUSTODY SEARCHES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 5

CONSENT SEARCH,  
cont.

SIGNING OF FORM: An officer shall not conduct a consent search unless the person consenting signs the departmental consent form (dept. possession exempt)

REVOCATION OF  
CONSENT: If the consent to search is revoked or limited, the officers must immediately stop the search or restrict it to the new limits, as the case may be. Seizable items discovered prior to the withdrawal or limitation of consent shall be seized.

INVITATION TO  
ENTER: An invitation to enter the premises does not give the officer consent to search. However, if an officer observes seizable items in plain view, he is then authorized to seize.

RIGHTS OF  
PERSON: An officer who seeks consent to search from a person who is in custody or under arrest, shall inform the person that:

- (a) he has the right to refuse to give consent;
- (b) anything found may be seized and used as evidence against him; and
- (c) he has the right to consult with an attorney, before deciding whether or not to consent.

Consent to search is sufficient if it comes from someone who has authority over the thing or place to be searched. That person need not necessarily be the owner or even the party whose privacy is invaded. As long as the person has the right to use or occupy the thing or place to be searched, he may give consent to search it.

However, if two persons have equal rights over the thing or place to be searched are present, and one consents, while the other refuses, the officer must obtain a warrant.

Searches of Vehicles and Occupants

PROCEDURES:

STOPPED VEHICLE: I. When a vehicle is stopped and there is reasonable suspicion that a person in that vehicle is armed, officers may require that person to exit the vehicle and submit to a frisk. In such circumstances, officers may also frisk access areas of the vehicle in order to discover weapons.

PATROL GUIDE

PROCEDURE No. 130.20



CUSTODY SEARCHES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 5

FULL CUSTODY  
ARREST: II. In addition to the above, whenever any person in a vehicle is to be subjected to a full custody arrest for any offense, including a traffic violation, that person shall be fully searched, and access areas of the vehicle may be searched for evidence or weapons.

ISSUING CITATION  
AND RELEASE: Where a person in a vehicle is to be issued a citation for a traffic violation and released, he may not be subjected to (II) but may be subjected to (I) above.

PROBABLE  
CAUSE: III. Where an officer has probable cause to believe that a vehicle contains contraband, evidence, instrumentalities or fruits of a crime, he shall obtain a search warrant for the vehicle;

Except:

NO WARRANT  
EXCEPTION: Where it appears at the time the search is first anticipated that to obtain a warrant would cause such delay as to result in the likely destruction, removal, or disappearance of the evidence, a search warrant need not be obtained. In essence, where the opportunity to search is fleeting and sufficient probable cause exists.

FACTORS TO  
CONSIDER: IV. Factors to be considered in determining whether a search without a warrant is appropriate under the exception are:

MOBILITY OF  
VEHICLE: (a) Whether the vehicle is in such condition that it could easily be removed from the jurisdiction,

ACCESS TO  
EVIDENCE: (b) Whether any person might obtain access to the evidence believed to be contained in the vehicle

DESTRUCTION OF  
EVIDENCE: (c) Whether the nature of the evidence is such that it is likely to be destroyed by the passage of time or exposure to the elements, or

KNOWLEDGE OF POSSIBLE  
SEARCH: (d) The likelihood that any person would know of the intended search who would have access to the vehicle and would be inclined to remove or destroy the evidence, and to remember that;



## PATROL GUIDE

PROCEDURE No. 130.20

### CUSTODY SEARCHES

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

RIGHT TO SEARCH

vs

RIGHT TO ARREST:

- (e) The right to search and the validity of the seizure are not dependent on the right to arrest. They are dependent on reasonable cause the seizing officer has for belief that the contents of the automobile offend against the law.

SCOPE OF SEARCH:

When an officer has grounds under (III) above to search a vehicle, he may search any part of the vehicle where the item sought could be located.

REMOVAL OF  
VEHICLE:

When an officer has grounds under (III) above to search a vehicle, he may either conduct the search at the place where the vehicle is located, or remove the vehicle to a more convenient location.

The officer, therefore, has three choices, based on the situation:

ON THE SPOT:

- (a) Immediate warrantless search on the spot.

NON-SEIZURE  
REMOVAL:

- (b) Removal of the car followed by warrantless search at the new location, which search is still justified because the two factors needed for a warrantless search (probable cause and mobility of car) still exist.

SEIZURE AND WARRANT  
REQUIREMENTS:

- (c) Seizure of car, with or without removal to a new location, pending application for a search warrant. (Search warrant required in this case because one factor justifying warrantless search, namely mobility, has been removed by the act of seizure.)

SUPERIOR POLICE DEPARTMENT

## PATROL GUIDE

PROCEDURE No. 130.30



### WARRANTLESS SEARCH AND SEIZURE

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 3

PURPOSE:

The purpose of these guidelines is to establish departmental policy regarding the conduct of searches and seizures.

POLICY:

The policy of this Department is that search and seizure activity shall not be conducted by police officers without a warrant, unless authorized by this guide.

DEFINITIONS:

Access Area - The area into which an arrestee might reach in order to grab a weapon or destructible evidence; synonymous with area of immediate control.

Area of Immediate Control - See Access Area

Frisk - A search of a person limited to a pat-down of his outer clothing or the search of nearby access areas, to discover if that person is armed.

Pat-Down - The feeling, with sensitive fingers, of every portion of a suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, the groin, and the entire surface of the legs down to the feet.

Probable Cause - A set of facts or circumstances, based on reliable information or personal knowledge or observation, which would lead a reasonable, prudent, and cautious officer to believe that certain items are connected with a crime and are, therefore, seizable under law, and that these items are in the place to be searched.

Protected Area - A place protected by the Fourth Amendment guarantee against unreasonable searches and seizures.

Seizable Item - Weapons or contraband, or evidence instrumentalities or fruits of a crime.

Reasonable Suspicion - The reasonable belief, based on articulable facts and circumstances, that a suspect is possibly armed.

PROCEDURES:

Mere Observation

Open View:

An officer who is lawfully in any place or non-protected area and observes seizable items in the same or other non-protected area may seize the items without a warrant.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 130.30



WARRANTLESS SEARCH AND SEIZURE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 3

Plain View

Inadvertence: An officer who is lawfully in a protected area and inadvertently observes seizable items in that area, may seize the items without a warrant.

An officer who is lawfully outside a protected area in which he observes seizable items may:

- (a) make a warrantless entry to effect an arrest for a crime being committed in his presence, provided he has probable cause for such an arrest; or
- (b) make a warrantless entry of a vessel or vehicle, provided exigent circumstances are present.

SEARCH INCIDENT TO ARREST

PROCEDURES:

FULL CUSTODY: An officer may conduct a search incident to a lawful full custody arrest.

IMMEDIATE CONTROL: A search incident to an arrest shall be confined to the person arrested and the area under his immediate control at the time of the arrest.

An officer may search beyond the arrestee's access area if he has reason to believe that such an expanded search is necessary to protect the officers present from possible harm by other persons on the premises. The search shall be limited to locating and containing the movements of all persons who present a threat to the safety of the officers. Any object which may be used as a weapon shall also be controlled.

IMMEDIATE GENERAL INSPECTION: A. An officer may make an immediate general inspection of the premises where an arrest has just been made, if he has probable cause to believe that there are seizable items on the premises. The inspection shall be limited to determining if there are persons on the premises who are likely to conceal, remove, or destroy the items while a search warrant is being obtained.

REFUSE ADMITTANCE: B. While a search warrant is being obtained, an officer may refuse to admit any person who does not own the premises or reside therein.

LEAVE PREMISES: C. If the officer has probable cause to believe that:  
(1) there are seizable items on the premises, and  
(2) persons on the premises might conceal, remove or destroy these items

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 130.30



WARRANTLESS SEARCH AND SEIZURE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 3

LEAVE PREMISES, cont. :

he may ask such persons to leave the premises or to allow an officer to remain inside the premises.

BODY SURFACES:

D. The search of a person incident to an arrest may not extend beyond the body surface unless the officer has probable cause to believe that desired evidence will be obtained thereby.

BEYOND BODY SURFACE:

E. In the absence of an emergency, a search warrant is required for a search extending beyond the body surface. An emergency exists when the officer reasonably believes that the evidence might be destroyed due to the delay necessary to obtain a warrant.

BODY CAVITY SEARCHES:

F. A search of body cavities shall be conducted by a physician in a medically approved manner under sanitary conditions. All other searches extending beyond the body surface shall be conducted by a competent medical authority in a medically approved manner, under sanitary conditions.

EVIDENCE IN MOUTH:

G. When an officer has probable cause to believe that a person has evidence in his mouth, the officer may use reasonable force to recover the evidence and to prevent apparent attempts to swallow it.

UNRELATED CRIME PRETEXT:

An officer shall not make an arrest as a pretext to search for evidence of an unrelated crime.

TIME AND PLACE OF ARREST:

An officer shall not choose a time and place of arrest in order to create the opportunity to conduct a search incident to arrest.

SEARCH WARRANT:

An officer shall obtain a search warrant whenever he obtains an arrest warrant, if time permits and he has probable cause to believe that seizable items will be found at the expected place of arrest.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.35

### EXECUTION OF SEARCH WARRANTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 7

**PURPOSE:** These guidelines establish procedures for the execution of valid search warrants. It is presumed that an officer will not conduct a search nor seize property without a search warrant, unless the situation falls into one of the "exigent circumstance" categories described in the guidelines pertaining to "Warrantless Search and Seizure."

**DEFINITIONS:** Curtilage - The yard and buildings surrounding a residence or dwelling place, generally includes any fenced in areas around the house, any garages, sheds, out-houses, driveways, barns, etc. Curtilage does not include open fields surrounding residence, vehicles, or commercial business structures. It does not include fire escapes, lobbies or common hallways of apartment or multi-unit dwellings.

Exigent Circumstances - Emergency, unforeseen occurrence or combination of circumstances which calls for immediate action; exigent circumstances may exist when there is a possibility:

- (1) that a wanted suspect may escape
- (2) of bodily injury to any person
- (3) that important evidence will be lost or destroyed
- (4) of serious damage to property, real or personal

In determining whether exigent circumstances exist, an officer may properly consider any relevant factor, including, but not limited to:

- (1) time and place
- (2) nature of any offense involved
- (3) actions and numbers of any persons involved
- (4) natural and physical conditions
- (5) availability of equipment, tools, manpower, reinforcements, and other resources
- (6) information acquired through personal observation, through official channels, or from informants

Probable Cause - Facts or information known to an officer through personal observation or knowledge or based upon reliable sources which reasonably would warrant an ordinary prudent man in believing that an offense has been committed or that a particular person has committed an offense.

Reasonable Suspicion - The belief, based upon articulable facts and circumstances known to an officer, that a criminal offense possibly has occurred or will occur, or that a particular person is possibly involved in criminal activity.

SUPERIOR POLICE DEPARTMENT

## PATROL GUIDE

PROCEDURE No. 130.35



### EXECUTION OF SEARCH WARRANTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 7

#### PROCEDURE:

**PRESUMED VALID:** Any search warrant which appears to be in proper form shall be presumed to be valid.

#### SIGNIFICANT ERRORS:

- (a) Any warrant which appears not to be in proper form shall not be executed, but shall be returned to the magistrate or judge who issued and signed it. This shall include any warrant containing significant errors in identifying the place to be searched or the property to be seized.

#### ALTERATIONS:

- (b) No officer shall ever alter or change any warrant in any manner. Only the issuing judge or magistrate may make said alterations.

#### CARRIED TO SCENE:

Whenever a search warrant is executed, the officer in charge shall make sure that the warrant or a copy of said warrant is physically carried to the scene and is exhibited to the person, if any, in charge of the premises.

#### FALSE REPRESENTATION:

No officer shall ever represent to any person that a search warrant has been issued in a particular case, knowing, in fact, that such is not true, in order to obtain consent to search.

#### Time to Search

#### LENGTH OF TIME:

A search warrant shall be executed as soon as it is practical after it is issued, but in no event, more than 5 days later.

#### WITHIN 5 DAYS:

Within the 5 day period allowed for execution, the time of the actual execution shall be determined on the basis of the following considerations:

#### DAYLIGHT HOURS:

- (a) The execution should occur during daylight hours, unless other circumstances make this impracticable.

#### WHEN PROPERTY IS PRESENT:

- (b) The execution should occur at a time when the property to be seized is believed to be present.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.35

### EXECUTION OF SEARCH WARRANTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 7

- LEAST RESISTANCE: (c) The execution should occur at a time when the least resistance is expected, or when resistance can best be controlled.
- LEAST INCONVENIENCE: (d) The execution should occur at a time when it will least inconvenience persons who may be upon the premises to be searched, unless other circumstances make this impracticable.
- OTHER CONSIDERATIONS: (e) Other such considerations of safety, effectiveness, and convenience as may be applicable.

#### Scope of Search

- SPECIFIED AREAS: The search warrant shall be executed at, and the search made of, only the place or places described in the warrant.
- WITHIN CURTILAGE: (a) The search may extend to all buildings or structures within the curtilage of the described place where the items sought may be kept.
- CANNOT BE EXTENDED: (b) A warrant describing the place to be searched as a limited portion of larger premises may not be extended to other, un-named portions.
- VEHICLES: (c) Vehicles found upon the premises shall not be searched unless specifically named in the warrant.
- SPECIFIED ITEMS: The search shall be limited to discovering those items named in the warrant, and examining those places or things which could contain or conceal the items described in the warrant.
- ITEMS NOT NAMED: Items not named in the search warrant discovered during a lawful search may be seized if:
- (a) they are found in a place reasonably within the scope of the search, and
  - (b) they are contraband, or
  - (c) there is probable cause to believe they are stolen or are evidence or instrumentalities of a crime.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.35

### EXECUTION OF SEARCH WARRANTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 7

#### SEARCH OF PERSONS ON PREMISES:

Any persons found upon the premises may be searched only for the following reasons:

- (a) pursuant to search procedure, to protect officers and other persons from attack, and
- (b) to prevent the disposal or concealment of any instruments, articles or things particularly described in the warrant, if there is a reasonable suspicion that the person may have such particular items upon his person. In determining whether reasonable suspicion exists, officers shall consider:
  - (1) the nature and physical quality of the item sought,
  - (2) the ease with which the item may be disposed of if so concealed,
  - (3) the fact, if true, that the item has not been located upon the premises, and
  - (4) the relationship of the person to the premises, including ownership, residence, frequenter, and to those in control of the premises.
- (c) incident to arrest under the section "Combined Warrants."

However, persons who are upon a public premises or on premises that have public access, such as a tavern or restaurant, may not be searched, merely because they are on the premises and might be concealing property.

#### Search Procedure

NOTIFICATION: Whenever a search warrant is to be executed, notification shall be given by the officer in charge to the Chief of Police, or his designated subordinate, and to the District Attorney's office, (or the police legal advisor) absent exigent circumstances.

#### LIMITED ACCESS:

No persons other than peace officers, police legal advisors, and members of the District Attorney's office shall be permitted to accompany officers in the execution of the warrant, unless absolutely necessary.

#### SAFETY AND SECURITY:

In planning the procedure for the execution of the warrant, it is the responsibility of the officer in charge to assure that adequate steps are taken to assure the safety and security of the officers, the items being sought, and any persons who may be at the scene of the execution.

SUPERIOR POLICE DEPARTMENT

**CONTINUED**

**1 OF 3**

PATROL GUIDE

PROCEDURE No. 130.35



EXECUTION OF SEARCH WARRANTS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 5 of 7

ENTRY: Entry of the premises shall be accomplished by the least forceful means possible under the circumstances.

KNOCK AND IDENTIFY: (a) Absent exigent circumstances, when entering private premises, officers shall knock, announce their identity and demand admittance. They shall then wait to be admitted, and explain their purpose if so requested.

EXIGENT CIRCUMSTANCES: (b) The announcement and demand shall not be required when, in the view of the officer in charge, exigent circumstances exist which would unduly jeopardize the safety and security of the officers, the items sought or persons in the area. In such cases, officers shall enter the premises by the most efficient means possible, while inflicting as little damage as possible to the premises. This may include breaking any door or window, but only if such is necessary.

UNIFORMED OFFICERS: When entering a building or other premises, a security party of uniformed officers should enter first and locate and control the movements of all persons who might pose a threat to safety, and all items which might be used as weapons. This may include frisking any persons found there who the officer reasonably suspects may have a weapon concealed upon his person.

- (a) No greater force than is necessary shall be used to secure the premises. Use or threat of force shall be terminated when it is clear that any potential resistance has been controlled.
- (b) An officer shall, as soon as is possible, explain fully the reason for the officers' presence, and the nature of the items sought, and display the warrant.
- (c) As soon as the building has been secured, any members of the security party who are no longer needed shall leave the area.

NUMBER OF OFFICERS: When the premises have been secured, a searching party shall enter and proceed to conduct the search. The searching party shall be composed of as small a number of officers as is practical, and should not include members of the security party.

PATROL GUIDE

PROCEDURE No. 130.35



EXECUTION OF SEARCH WARRANTS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 6 of 7

THE SEARCH: The searching party shall proceed to make an orderly search for the items named in the warrant.

- (a) Damage to the property shall be minimized. Insofar as is possible, the premises shall not be disordered or disarranged. Any structural damage or modification shall be carefully considered as to need before being inflicted.
- (b) The search shall be confined to places where the items sought could be concealed.
- (c) In general, two officers should be assigned to search a single room or area.
- (d) A record shall be kept during the course of the search as to which areas have been examined, by whom, the nature of any item seized, and where it was found.
- (e) All items seized shall be turned over to a single officer, along with the record of the search. That officer shall make a receipt for all items seized to the person from whose possession or control they were taken. The officer shall also complete the Return to the warrant by attaching to it an inventory of the items seized, and delivering it to the Clerk of Courts.
- (f) All items seized shall be marked as evidence and delivered by the officer to the department evidence locker.

SECURE PREMISES: Before leaving the scene after executing a search warrant, officers shall assure that the premises are adequately secure, either by leaving them in the hands of a responsible person, or by locking all doors.

NO SECOND SEARCH: No second search is permitted under a warrant once officers have left the premises.





# PATROL GUIDE

PROCEDURE No. 130.35

EXECUTION OF SEARCH WARRANTS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 7 of 7

## Arrests During Search

### COMBINED WARRANTS:

- (a) In cases of combined warrants, commanding both arrest and search, or where officers suspect that there may be warrants outstanding, they may require persons on the premises to identify themselves in order to determine whether any of those persons is named in the arrest warrant. Persons on the premises may also be required to identify themselves if they are witnesses to the search or arrest.

### OFFICERS MAY ARREST:

- (b) If, during the search, any contraband or other item is found, the presence of which yields probable cause to believe that an offense has been committed, the officers may arrest any or all of those persons on the premises as to whom probable cause exists, unless it appears that an arrest warrant may be executed at a later date with a high degree of success, i.e. non-transients.

### RESISTING AND INTERFERING:

- (c) If, during the execution of the warrant, any person resists or interferes with the lawful actions of the officers, that person may be arrested and charged with the offense committed.

### NOT REQUIRED TO IDENTIFY SELF:

- (d) Except if the situation falls under one of the provisions of this rule, officers may not require any person on the premises to identify himself.

### RULES ON ARREST:

- (e) Any arrests shall be made in accordance with the rules on arrest.

CONSENT TO SEARCH FORM 130.375

## CONSENT TO SEARCH

Date \_\_\_\_\_

Location of Search \_\_\_\_\_

I, \_\_\_\_\_ hereby authorize officers of (Superior Police Department) \_\_\_\_\_ to conduct a complete search of (insert description of place or thing to be searched) \_\_\_\_\_. These officers have my permission to take any letters, papers, materials, or other property which they may desire.

I understand that the officers do not have a search warrant authorizing this search, and that I have a Constitutional right to refuse to consent to this search, and that anything discovered during the search can and may be used against me in a court of law.

This written permission is being given by me voluntarily and without my being subject to threats or promises of any kind.

Signed: \_\_\_\_\_

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

# PATROL GUIDE

PROCEDURE No. 130.40



## ARREST ON A WARRANT

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

PURPOSE: To arrest persons for whom warrants have been issued

PROCEDURE: When directed to arrest a person for whom a warrant has been issued:

ARRESTING OFFICER:

1. Confirm that warrant is active and valid
2. Inform the defendant of warrant and the offense charged
3. Show the warrant if requested:
  - a. Show warrant as soon as possible after arrest if not in possession at time of arrest.
  - b. Original warrant will not be removed from police department.
  - c. If person is lodged, leave copy of warrant with the jail for person's effects.
4. Announce authority and purpose if premises is involved and there is reasonable cause to believe that defendant is inside except:
  - a. Life or safety of anyone is endangered
  - b. Defendant may attempt escape
  - c. Material evidence may be destroyed, damaged, or secreted
5. Break into premises if necessary
6. Follow applicable arrest procedures

SHIFT

COMMANDER:

1. Follow usual arrest procedures and in addition:
  - a. Include under "Details" on Incident Report:
    1. Date warrant issued
    2. Signed by
    3. Court and County of issuance
    4. Any other essential information
  - b. Cancel all appropriate N.C.I.C. or C.I.B. entries
    1. On N.C.I.C. or C.I.B. hits, a teletype copy of confirmation from issuing agency on warrant will be attached to arrest sheet.
    2. If bailable misdemeanor, ascertain from issuing agency an appropriate court date, if available.

SUPERIOR POLICE DEPARTMENT

# PATROL GUIDE

PROCEDURE No. 130.41



## ARRESTS WITHOUT A WARRANT

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

PURPOSE:

The majority of arrests are made without warrants, and as a result, are not subject to prior judicial scrutiny as are arrests made pursuant to a warrant. Because the decision whether to arrest when there is no warrant is ultimately left to the discretion of the individual officer, some guidance is necessary to promote uniformity, conform to statutory and constitutional law and to prevent an abuse of discretion.

These policies are designed as guidelines for the officer of the Department in determining how and when it is appropriate to enforce the law through a warrantless arrest.

POLICY:

Officers are expected to use discretion in the exercise of their authority to arrest without a warrant. The authority to arrest without a warrant is based on statutory authority.

An officer should not make a warrantless arrest except as provided in these policies.

DEFINITIONS:

Arrest - The intentional seizure of a person, whether actual or constructive, by an officer who is acting under real or assumed legal authority to do so, coupled with a recognition of the arrest by the person arrested, for the purpose of bringing him before a court of competent jurisdiction to answer for the commission of an offense.

Authority to Arrest - If the state criminal code, traffic code or municipal ordinance forbids a certain act or requires that an act be done AND the state statute or common law of his jurisdiction gives an officer (or citizen) the authority to make an arrest for that offense AND an officer has probable cause to believe that such person has committed such an act (or failed to do a required act) under the circumstances which exist, THEN an officer has the authority to make an arrest.

Bodily Injury - Physical pain, illness, or any impairment of physical condition.

Continuing Offense - An offense which occurs over a period of time during which there is no interruption.

Crime of Violence - An offense in which an instrument capable of inflicting serious bodily injury is used or in which serious bodily injury results.

Felony - An offense so designated by law or punishable by death or confinement in a state or federal penitentiary. This is usually crimes punishable by prison terms in excess of one year.

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No. 130.41

ARRESTS WITHOUT A WARRANT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 5

DEFINITIONS,  
cont. :

Fresh Pursuit - Pursuit without unreasonable delay, but not necessarily instant or immediate pursuit.

Misdemeanor - An offense so designated by law or punishable by fine, by confinement in jail, or by both. This is usually a crime punishable by jail terms up to one year.

Offender - A person whom an officer has probable cause to arrest

Offense - An act or omission forbidden by law and to which is affixed on conviction any punishment prescribed by law

Ordinance Violation - A violation of a municipal law which may or may not be an adaption of a state misdemeanor and is usually punishable by a fine only. If there is incarceration, it is usually for contempt of court for not paying the fine.

In the Presence of - When an officer is aware that an offense is being committed through some or all of his five senses, even though he perhaps cannot see it, the offense occurs in his presence.

Probable Cause - That set of facts or circumstances based on reliable information or personal knowledge or observation by an officer which reasonably shows and would warrant an ordinary prudent officer in believing that a person or persons have committed, are threatening to commit, or are about to commit some offense against the law.

Reasonable Grounds - See probable cause above

Reasonable Suspicion - That set of articulable facts and circumstances which lead an officer to conclude that a person possibly is involved in past, present, or future offenses. A lesser standard than probable cause.

Serious Bodily Injury - Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of any bodily member or organ.

In View of - When an officer observes an offense being committed, it is then within his view.



PATROL GUIDE

PROCEDURE No. 130.41

ARRESTS WITHOUT A WARRANT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 5

PROCEDURE:

An officer shall make an arrest without a warrant only if he has enough personal knowledge or reliable information to constitute probable cause upon which an arrest warrant could be issued.

The officer shall employ his special training, skills and experience as a peace officer in determining whether probable cause exists.

The officer may consider all acquired information available to him at the moment of the arrest, regardless of its admissibility at trial.

The officer shall record all the pertinent facts and surrounding circumstances available to him at the time of the arrest.

Though an officer may not rely solely on mere suspicion, speculation or reasonable suspicion to justify an arrest, he may use these factors as an initial step in establishing probable cause. There are numerous factors which an officer may consider in determining whether there is probable cause to arrest, but he must consider them in the context of the total situation. Among these factors are:

- (a) suspicion, rumor, gossip;
- (b) a person's general reputation;
- (c) a person's criminal record;
- (d) a person's appearance, statements, or conduct;
- (e) a person's furtive actions or flight at the approach of strangers or officers;
- (f) the high crime rate in a particular place or area, recent criminal activity in a particular area or place;
- (g) the possession, disposal, or concealment of an article or the attempt to dispose of or conceal an article;
- (h) information provided by a victim, witness, or informer;
- (i) official information received from other officers or through official channels; and
- (j) direct observation of an offense within the officer's presence or view.

With the exception of the direct observation of an offense, the presence of ANY ONE FACTOR ALONE IS INSUFFICIENT TO JUSTIFY AN ARREST. An arrest must be based on what the officer knows at the time of the arrest and cannot be justified by what he discovers afterwards.

Generally suspicious conduct not suggesting any specific kind of criminal conduct is alone insufficient to establish probable cause.



## PATROL GUIDE

PROCEDURE No. 130.41

ARRESTS WITHOUT A WARRANT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

When the existence of probable cause is in doubt, the officer shall investigate further before making an arrest. The officer's good faith will not justify an invalid arrest. Proof beyond a reasonable doubt is unnecessary. Only that amount of evidence which reasonably shows that a particular person or persons probably committed an offense is required.

**INFORMANTS:** When information from an informant is necessary to establish probable cause, the officer must be able to state:

- (a) his reason(s) for believing the informant to be reliable, and
- (b) the underlying circumstances from which the informant concluded that the offense was committed and that a particular person or persons committed it.

**VICTIMS AND WITNESSES:**

The officer should seek some confirmation of the information he receives from a victim or witness:

- (a) The officer shall determine that the victim or witness was able to observe and remember what happened.
- (b) Directly observable results of an offense can serve as a partial confirmation of the commission of an offense.
- (c) Where the circumstances suggest that the victim's or witness' allegations may be untrue, the officer shall investigate further before making an arrest. The more doubt, the more the officer will need to confirm the information.

**OTHER OFFICERS:**

An officer may make an arrest when requested to do so by another officer. It is not necessary that the arresting officer have probable cause to make the arrest. However, probable cause must still exist. Usually, this would be the officer requesting the arrest.



## PATROL GUIDE

PROCEDURE No. 130.41

ARRESTS WITHOUT A WARRANT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

**VIEWING OF OFFENSE:**

Since 1971, Wisconsin has been governed under the statute that relates that an officer has the authority to arrest when the officer has reasonable ground to believe that a "CRIME" (either felony or misdemeanor) has been committed. This holds true whether the officer saw the offense or not. This is especially true when you want to prevent:

- (a) the loss or destruction of evidence,
- (b) the escape of the offender or offenders, or
- (c) bodily injury to the officer or others.

An officer shall obtain an arrest warrant where the offender is committing a continuing offense and the facts establishing probable cause are known to the officer over a period of time, with the notable exception of the above mentioned preventive necessities.



PATROL GUIDE

PROCEDURE No. 130.42

ARRESTS (SELECTIVE ENFORCEMENT AND DELAY)			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

- PURPOSE:

The purpose of this policy is to establish Department standards to be used in determining whether, under the circumstances, an arrest should be made.
- POLICY:

An officer is not obliged to make an arrest in every instance. He may, in some circumstances, for good cause consistent with the public interest, decline to arrest, even though he has probable cause to arrest.
- PROCEDURE:

Among the factors which the officer may properly consider in determining not to arrest are:

(a) if the victim is not seriously interested in prosecution because:

(1) he desires restitution only;

(2) he is in a continuing relationship with the offender; or

(3) he is in a family type relationship with the offender.

(b) if the offense complained of arose out of some underlying illegal activity engaged in by the offender and the victim;

(c) if the offender is or is willing to become an informant;

(d) if the offender can be referred to another agency which is better equipped to deal with the problem;

(e) if the actual damage done to persons or property is minimal;

(f) when an adequate civil remedy is available to the injured party;

(g) whether arrest would result in unnecessary harm to the victim or offender which would outweigh the risk of non-arrest.
- WARNINGS:

When an officer declines to make an arrest, he shall warn the offender:

(a) that his conduct has come to official attention; and

(b) that he could be arrested if such conduct is continued or repeated (if this is possible and warranted under the circumstances).



PATROL GUIDE

PROCEDURE No. 130.42

ARRESTS (SELECTIVE ENFORCEMENT AND DELAYS)			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

- An officer shall obtain a warrant if he has probable cause to believe that a crime has been committed or the crime has been committed in his presence and he fails to arrest at the time the offense is committed because:
- (1) there is a continuing danger of its renewal;

(2) it is necessary to overcome resistance by the offender;

(3) it is necessary for the safety of the offender or others;

(4) the officer is in fresh pursuit of the offender; and

(5) any other situation which requires the officer's discretion
- Generally, when delay is not the result of exigent circumstances, a warrant will be required.
- INFORM THE PERSON:

When not impractical or unnecessary, the officer shall inform the person about to be arrested of:

(1) the officer's intention to take him into custody;

(2) the authority for the arrest; and

(3) the reason for the arrest
- CIRCUMSTANCES:

Times when circumstances may be impractical or unnecessary include, but are not limited to:

(1) when the person is in the act of committing the offense;

(2) when the person is fleeing from the scene of the crime;

(3) when the officer would be endangered; and

(4) when the arrest would be imperiled
- INCAPACITY OF PERSON:

An officer may place an unconscious, insane, or injured person under arrest, even though such person is incapable of understanding that he is under arrest.
- DELIVERY TO COURT:

The arresting officer shall do that which is within his power and scope of employment to insure that the person arrested is taken without unnecessary delay before a judge of the county where the arrest was made. The officer may either take the arrested person to the judge himself, or deliver said arrested person to the County Jail and by arrest report, inform the Shift Commander.

PATROL GUIDE

PROCEDURE No. 130.50



PROCESSING OF EVIDENCE OR PROPERTY AT POLICE STATION			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 3

PURPOSE: In the course of their duties, members of this department will be required to take possession of various items and to exercise control over their whereabouts until it is determined that said items should either be: (a) returned to their rightful owner; (b) processed as evidence of a crime; (c) retained for auction; (d) retained by the Wisconsin Crime Laboratory; or (e) destroyed. As such, it is necessary to develop guidelines on the possession of items.

- PROCEDURE:
- A. A set of evidence lockers has been placed in the Shift Commander's Office.
  - B. These lockers will be left unlocked. The officer can obtain a token from the Desk Sergeant or Shift Commander to activate the locker - removing the key, placing said key in locker key box.
  - C. Evidence envelopes, bags, and tags are provided adjacent to the evidence lockers for the officer's use.

Upon obtaining evidence or property:

- MEMBER OF THE DEPARTMENT:
- 1. Bring item(s) to police station (Narcotics or controlled substances - See Item 5)
    - a. All items shall be checked through N.C.I.C., if possible.
  - 2. Assign an Incident Number
  - 3. Tag the item
    - a. If the item to be tagged is not of such a physical nature that it can be tagged, bag the item or place it in some other suitable container.
    - b. If an item contains alleged residue of blood or other bodily fluids, air dry clothing or any type of cloth before placing in a paper bag.
    - c. Guns, leather goods and similar items that have a propensity to sweat, rust, corrode, or rot are to be placed in a paper bag.
    - d. If an investigator is on duty, turn the items over to him.

PATROL GUIDE

PROCEDURE No. 130.50



PROCESSING OF EVIDENCE OR PROPERTY AT POLICE STATION			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 3

- MEMBER OF THE DEPARTMENT, cont. :
- 4. Prepare and tag with the following information:
    - a. Incident Number
    - b. Where recovered
    - c. Recovered by
    - d. Date
    - e. Time
    - f. Officer's name
    - g. A brief, but explicit description of article -- number or weight of article, serial number of article (if available) and any contents of value in the article (if present), e. g. wallet with money and/or credit cards.
  - 5. Processing narcotics and controlled substances:

All narcotics, controlled substances, or drugs will be weighed and/or counted and field tested by the officer before it is either put into the evidence locker or turned over to the Narcotics Officer.

- SHIFT COMMANDER:
- Field test kits will be supplied by the Shift Commander whenever any controlled substance is brought to the police station.
- MEMBER OF THE DEPARTMENT:
- Findings of the field test will be indicated on the evidence tag and incorporated into the incident report.
- a. Field test kits will be packaged with or attached to the evidence prior to being put in locker.
- Officers will indicate on the incident report where the item has been placed. If not given directly to Property Officer, then indicate the evidence locker number where the item is located or whether it was turned over to the Narcotics Officer.
- Bulky, oversized, perishable, or dangerous:
- a. If the item recovered cannot be placed in one or more of the evidence lockers provided, for any of a number of reasons, then contact one of the designated Property Officers, if not on duty, to come in and process the item.

PATROL GUIDE

PROCEDURE No. 130.50



PROCESSING OF EVIDENCE OR PROPERTY AT POLICE STATION			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 3

PROPERTY OFFICER: When an item cannot be placed in one or more of the evidence lockers, then the Property Officer will process the item directly and place it in an appropriate area of the Evidence Room, with notice on the incident report as to its location.

MEMBER OF THE DEPARTMENT:

Perishable items shall be photographed at the time of their seizure, if said item cannot be preserved in its original condition.

When items such as photographs, films, and written or printed materials, which are allegedly obscene are seized by members of this department, articles for evidentiary purposes will be retained by the department.

No items will be retained personally by any member of the department.

If an adversary hearing has been held and there is a finding of obscenity, then the Property Officer will be responsible for their handling, according to the prescribed laws for their disposal.

PATROL GUIDE

PROCEDURE No. 130.51



PRESERVATION OF CHAIN OF CUSTODY			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 1

PURPOSE: To establish guidelines to implement and preserve the chain of custody

- CONSIDERATIONS:
1. Evidence, or potential evidence, shall be preserved in the same condition as it was seized, whenever possible, to preserve a defendant's right to a fair trial and to assist the prosecutor in the presentation of the case.
  2. This preservation will be accomplished by maintaining an unbroken chain of custody by officers who supervise the handling of evidence or potential evidence.
    - a. If an item is sent to the Crime Laboratory, it should be sent by registered mail.
  3. An officer charged with the custody of evidence or potential evidence shall insure that it never leaves his custody and that no person has an opportunity to tamper with the evidence.
  4. The evidence or potential evidence shall remain on Superior Police Department property, if at all possible, while in the custody of the Department.
  5. The number of officers having custody over a portion of the chain of custody of an article of evidence shall be kept to a minimum.
  6. All officers having custody of evidence or potential evidence shall be able to testify in court to the condition of the item while under their control and to the precautions they took to insure that the evidence remained in the same condition as it was when it was taken into custody.

OUTSIDE AGENCIES: Evidence shall be turned over to outside agencies only after there are assurances that they will maintain a chain of custody and an appropriate receipt is obtained for the same.

RECEIPT OF PROPERTY: No member of this Department or other persons shall receive any lost, stolen, abandoned, unclaimed, or other property in possession of the Department, unless that person receives a written receipt signed by the Chief of Police.

PHYSICAL EVIDENCE HANDBOOK: Officers preparing evidence will attempt to follow as closely as possible the guidelines set down in the Physical Evidence Handbook prepared by the Wisconsin Crime Laboratory Bureau or the Federal Bureau of Investigation.





# PATROL GUIDE

PROCEDURE No. 130.525

CRIME SCENE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE: To safeguard evidence and detain witnesses for further investigation.
- PROCEDURE: Upon arrival at the scene of a crime where the perpetrator is not present or in the vicinity and the scene must be protected and secured to preserve evidence:
- MEMBER OF THE DEPARTMENT:
1. Call Communications Center and request:
    - a. Sergeant on patrol
    - b. Detectives concerned or other special personnel as required
    - c. Specify, when possible, to the detectives, by 10 code, what type of crime is involved
  2. Detain witnesses and persons with information pertinent to the crime and record names, addresses, and phone numbers.
  3. Remove unauthorized persons from the area and secure the crime scene.
  4. Inform the responding detective of:
    - a. Witnesses detained
    - b. Other information regarding the case
  5. When handling this type of incident, never touch, change or alter anything at the crime scene until it has been identified, measured, photographed, fingerprinted, and marked into evidence.
- SUPERVISING OFFICER:
6. Inform the Shift Commander of all particulars and request additional assistance if and when required.
  7. Supervise and direct members of the force as required. (In a homicide or other serious case, the ranking member of the Detective Bureau present will be in charge of the investigation).
- ALL MEMBERS OF THE DEPARTMENT:
8. All personnel entering the crime scene must prepare a written report detailing:
    - a. why they were at the scene
    - b. what they did
    - c. what they observed
  9. All unauthorized police personnel should refrain from entering the crime scene.



# PATROL GUIDE

PROCEDURE No. 130.55

REMOVAL OF EVIDENCE FROM THE EVIDENCE LOCKERS OR ROOM			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE: To obtain evidence required in court that is being held by the Department.
- PROCEDURE: When evidence in the custody of the Department is required in court:
- MEMBER OF THE DEPARTMENT:
1. Request evidence from the Property Officer
    - a. Make request early enough before officer is required to appear in court, so that request can be properly honored
  2. Sign property log book for property removed (Property Officer will witness)
    - a. When narcotics are involved, take along the Department and/or Crime Laboratory Analysis Report(s) to each court appearance, if it is available.
  3. Obtain receipt if property is held by court.
    - a. Obtain written authorization from court clerk and receipt from claimant if court directs release of property to claimant.
  4. Return evidence, receipt, or receipt and court authorization to Property Officer after each court appearance.
- PROPERTY OFFICER:
- Note distribution and return of evidence or receipt and court authorization in Property Log Book.
- MEMBER OF THE DEPARTMENT:
- Advise owner of property that upon final disposition of case, to obtain court order or certification from District Attorney to reclaim his property from the Property Officer.



## PATROL GUIDE

PROCEDURE No. 130.575

SAFEGUARDING VEHICLES IN POLICE CUSTODY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE: To safeguard vehicles in police custody at the station house.
- PROCEDURE: When necessary to store a vehicle in police custody at the station house for further processing:
- PROPERTY OFFICER:
- Record vehicle on Property Record Sheet and assign the incident number.
- MEMBER DELIVERING VEHICLE:
- Place vehicle in an appropriate place designated by Shift Commander at the station house.
    - If necessary, vehicle will be disabled until its release. Said disablement shall be noted on incident report.
  - Print incident number on sheet of plain paper and attach to inside of windshield.
  - Lock or secure vehicle.
  - If available, process keys as regular evidence.
- SHIFT COMMANDER: Inform relieving Shift Commander of location of vehicle.
- INSPECTOR OF DETECTIVES: Release of Vehicle to Owner
- Release of vehicles which have been placed in police custody pending further processing shall be authorized by the Inspector of Detectives or his designate; said authorization to be in writing and receipt being given to Property Officer for the log.
- PROPERTY OFFICER: All vehicles coming into police custody for further processing are to be removed to the designated Property Officer's storage facility, if possible. Only under the most unusual circumstances should a vehicle be retained at the police station, and in these cases, provisions shall be made for removal as soon as possible.



## PATROL GUIDE

PROCEDURE No. 130.60

LOST OR ABANDONED PROPERTY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE: To establish guidelines in the handling of lost or abandoned property.
- POLICY: Property which appears to be lost or abandoned, discovered by officers of this Department, or turned into the Department by citizens shall be dispensed with in the following manner:
- Lost or abandoned property will be examined for identifying marks in an attempt to discover the identity of the owner. If marks are present, they should be used to attempt to find the owner. If a serial number is available, said item will be checked on N.C.I.C.
- PROPERTY OFFICER: The property officer shall permit citizens, during normal business hours, to claim lost property, if they can provide sufficient proof that they are the rightful owner.
- AUCTION: Once a year, the Department will hold an auction to dispose of any property which has been abandoned or which remained unclaimed for a period of thirty (30) days after having been taken into possession by the department.
- DEPARTMENT USE: If the property is useable in the course of departmental operations, it need not be sold at auction, but may become the property of the Department.
- PERSONAL USE: No member of this Department or any other person shall receive any lost, stolen, abandoned, or other unclaimed property from the Department, unless that person receives a written receipt signed by the Chief of Police, a copy of which will remain in the property log.



## PATROL GUIDE

PROCEDURE No. 130.70

CONTROLLED SUBSTANCES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 3

**PURPOSE:** This Department has as one of its mandates the enforcement of laws destined to reduce and/or eliminate the use and abuse of controlled substances. It is also mandated to educate the public on the hazards of all forms of drug abuse and to encourage those addicted to or dependent on controlled substances to be referred to the proper social agency for rehabilitation.

**POLICY:** The Department, through its officers in general and the Vice Bureau, in particular, shall concentrate its enforcement of the controlled substance laws where:

- (a) the level of abuse is high
- (b) the substance is highly destructive
- (c) juveniles are being involved in use and sale
- (d) adulterated and misrepresented substances are being dispensed
- (e) organized crime may be involved

**DEFINITIONS:** Controlled Substance - A drug, substance or an immediate precursor thereof as listed in Schedules I-V of the Controlled Substance Act. (See Appendix to this policy)

Counterfeit-Adulterated Substance - A controlled substance which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance. Also, a substance whose true identity has been misrepresented, or whose purity has been impaired by the addition of an inferior or foreign substance.

Deliver or Delivery - The actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not an agency relationship exists.

Drug Abuse - The consumption of a controlled substance to the extent that one's mental or physical makeup is thereby impaired.

Drug Addiction - Being so habituated to the use of a drug that cessation of its use produces definite physical and/or mental symptoms of abstinence.

Marijuana - All parts of the plant Cannabis Sativa L., except the mature stalk of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake of the sterilized seed of the plant which is incapable of germination.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 130.70

CONTROLLED SUBSTANCES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 3

**MEMBER OF THE DEPARTMENT:** Investigating Violations of the Controlled Substances Act:

Evidence of the offense is the drug itself, the need for immediate seizure and retention of the contraband is often so urgent that any delay in obtaining it may mean disappearance of both the offender and the substance. Therefore, searches, seizures and arrests may be conducted pursuant to recognized exceptions to the warrant requirements. Such searches, seizures and arrests must meet the probable cause and reasonableness criteria as set forth in the Patrol Guide under (a) Warrantless Searches and Seizures, (b) Stop and Frisk, (c) Execution of Search Warrants, and (d) Use of Force.

**PROBABLE CAUSE:** Information sufficient to create probable cause for search for controlled substances includes:

- (a) Hearsay information from a reliable informer who has personally observed the offense or who has previously provided productive information to the department;
- (b) A suspect's prior record of drug offenses;
- (c) Suspicious conduct by the suspect that suggests to an experienced officer that a drug offense is occurring;
- (d) Visual or olfactory observations by the officer of packages, smells, drug paraphernalia, or smoke usually associated with drugs.

**DECISION TO TAKE A SUSPECTED DRUG OFFENDER INTO CUSTODY:**

If, after conducting his investigation, the officer determines that probable cause exists to arrest a suspect for a drug violation, he shall determine if an arrest is necessary, based upon answers to the following questions:

- (1) Is the substance considered one of the most abused and dangerous drugs under control of the Uniform Controlled Substances Board?
- (2) Is the offender openly flouting and disregarding the drug prohibition laws?

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 130.70

CONTROLLED SUBSTANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 3

DECISION TO TAKE  
A SUSPECTED DRUG  
OFFENDER INTO  
CUSTODY, cont:

- (3) Is the quantity of drugs involved so large as to suggest that the possessor is a seller or deliverer?
- (4) Is the offender a juvenile?
- (5) Is the offender likely to repeat the offense despite non-custodial disposition of this offense?
- (6) If it is a sale offense, are the offender's customers juveniles or persons otherwise uninformed?
- (7) Is the seller dealing in drugs to support his personal habit as well as the habits of others?
- (8) Is the substance adulterated or mislabeled?
- (9) Is the suspect a repeater - on parole or probation?
- (10) Has the suspect previously rejected chances to receive rehabilitative treatment?
- (11) Is the offender an addict who has rejected treatment offers and needs to be removed from harmful environments?
- (12) Is the offender currently the subject of another ongoing drug investigation?

SUPERIOR POLICE DEPARTMENT

130.71

Page 1 of 8

## APPENDIX TO CONTROLLED SUBSTANCES ALPHABETICAL LISTING OF CONTROLLED SUBSTANCES AND STATUTE NUMBER

### MANUFACTURE, SELL, OR DELIVER:

Narcotic Drug in Schedule I or II.....161.41(1)(a)  
Non-Narcotic Drug in Schedule I, II, or III.....161.41(1)(b)  
Controlled Substance in Schedule IV.....161.41(1)(c)  
Controlled Substance in Schedule V.....161.41(1)(d)

### POSSESSION WITH INTENT TO MANUFACTURE, SELL, OR DELIVER:

Narcotic Drug in Schedule I or II.....161.41(1m)(a)  
Non-Narcotic Drug in Schedule I, II, or III.....161.41(1m)(b)  
Controlled Substance in Schedule IV.....161.41(1m)(c)  
Controlled Substance in Schedule V.....161.41(1m)(d)

### CREATE, DELIVER, POSSESS WITH INTENT TO DELIVER A COUNTERFEIT SUBSTANCE AS:

Narcotic Drug in Schedule I or II.....161.41(2)(a)  
Non-Narcotic Drug in Schedule I, II, or III.....161.41(2)(b)  
Controlled Substance in Schedule IV.....161.41(2)(c)  
Controlled Substance in Schedule V.....161.41(2)(d)

### DELIVER A NON-CONTROLLED SUBSTANCE PURPORTED TO BE CONTROLLED SUBSTANCE.....

161.41(2m)

### ILLEGAL POSSESSION OF:

Narcotic Drug in Schedule I or II.....161.41(2r)(a)  
All Non-Narcotic Drugs (Misdemeanor).....161.41(3)

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
T Tuinal (Contains Secobarbital & Amobarbital)	III III	161.18(3)(a) 161.18(3)(a)	No No	161.41(3) 161.41(3)	161.41(1)(b) 161.41(1)(b)
T Valium (Diazepam)	---	450.07(1)(a)	No	450.07(7)	450.07(2)

\* - requires quantitative analysis

T - indicates a trade name

The subsections of the statutes dealing with a counterfeit substance, namely section 161.41(2)(a) through 161.41(2)(d), deal with the situation where one controlled substance is delivered or possessed when it is actually purported to be another controlled substance. For example, this section of the statutes would apply in the cases that we often hear of LSD being delivered as a so called "safe hallucinogenic drug" mescaline.

That section of the statutes dealing with the delivery of a non-controlled substance purported to be a controlled substance, more specifically section 161.41(2m), deals with situations that are a total "rip off." For example, this statute would apply when a person delivers oregano that has been purported to be marijuana.

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
Phencyclidine (PCP)	III	161.18(3)(g)	No	161.41(3)	161.41(1)(b)
Phenobarbital	IV	161.20(2)(m)	No	161.41(3)	161.41(1)(c)
Procaine (Novacaine)	----	450.07(1)(a)	No	450.07(7)	450.07(2)
Pilocybin	I	161.14(4)(r)	No	161.41(3)	161.41(1)(b)
Robitussin	----	not covered	No	----	----
Robitussin AC (Contains 200 mg/100 ml Codeine)		161.22(2)(a)	Yes	161.43(3)	161.41(1)(d)
T Seconal (Secobarbital)	III	161.18(3)(a)	No	161.41(3)	161.41(1)(b)
T Sparine (Promazine)	----	450.07(1)(a)	No	450.07(7)	450.07(2)
STP (4-Methyl-2, 5-Dimethoxy- amphetamine)	I	161.14(4)(g)	No	161.41(3)	161.41(1)(b)
T Tetracine	----	450.07(1)(a)	No	450.07(7)	450.07(2)
T Thorazine (Chlorpromazine)	----	450.07(1)(a)	No	450.07(7)	450.07(2)

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
T Nembutal (Pentobarbital)	III	161.18(3) (a)	No	161.41(3)	161.41(1) (b)
T Nolundar (Methypylon)	III	161.18(3) (f)	No	161.41(3)	161.41(1) (b)
Novocaine (Procaine)	---	450.07(1) (a)	No	450.07(7)	450.07(2)
T Obedrin (Contains Methamphetamine & Pentobarbital)	II III	161.16(5) (b) 161.18(3) (a)	No No	161.41(3) 161.41(3)	161.41(1) (b) 161.41(1) (b)
* Opium	II	161.16(2) (a)	Yes	161.41(2r) (a)	161.41(1) (a)
or	III	161.18(5) (g)		161.41(3)	161.41(1) (b)
or	V	161.22(2) (e)		161.41(3)	161.41(1) (d)
Ornade	---	450.07(1) (a)	No	450.07(7)	450.07(2)
Pencillin (Antibiotic)	---	450.07(1) (a)	No	450.07(7)	450.07(2)
Pentobarbital (See Nembutal)	III	161.18(3) (a)	No	161.41(3)	161.41(1) (b)
T Percodan (Oxycodone, prepared from Thebaine-a constituent of Opium)	II	161.16(2) (a)	Yes	161.41(2r) (a)	161.41(1) (a)



<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
T Librium (Prescription)		450.07(1)(a)	No	450.07(7)	450.07(2)
Lidocaine	----	450.07(1)(a)	No	450.07(7)	450.07(2)
LSD (Lysergic Acid Diethylamide)	I	161.14(4)(j)	No	161.41(3)	161.41(1)(b)
Marijuana	I	161.14(4)(k)	No	161.41(3)	161.41(1)(b)
MDA (3,4 - Methylenedioxy Amphetamine)	I	161.14(4)(a)	No	161.41(3)	161.41(1)(b)
Meprobamate	IV	161.20(2)(g)	No	161.41(3)	161.41(1)(c)
Mescaline	I	161.14(4)(m)	No	161.41(3)	161.41(1)(b)
Methadone	II	161.16(3)(m)	Yes	161.41(2r)(a)	161.41(1)(a)
Methamphetamine (See Desoxyn)	II	161.16(5)(b)	No	161.41(3)	161.41(1)(b)
Methaqualone	II	161.16(6)	No	161.41(3)	161.41(1)(b)
T Miltown (Meprobamate)	IV	161.20(2)(g)	No	161.41(3)	161.41(1)(c)
* Morphine (Constituent of Opium)	II	161.16(2)(a)	Yes	161.41(2r)(a)	161.41(1)(a)
	or III	161.18(5)(h)		161.41(3)	161.41(1)(b)

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
T Dexedrine (Amphetamine)	II	161.16(5) (a)	No	161.41(3)	161.41(1) (b)
T Dilaudid	II	161.16(2) (a)	Yes	161.41(2r) (a)	161.41(1) (a)
DET (Dieth- yltryptamine)	I	161.14(4) (e)	No	161.41(3)	161.41(1) (b)
DMT(Dimethy- ltryptamine)	I	161.14(4) (f)	No	161.41(3)	161.41(1) (b)
T Doriden (Glutethimide)	III	161.18(3) (c)	No	161.41(3)	161.41(1) (b)
T Equanil (Meprobamate)	IV	161.20(2) (g)	No	161.41(3)	161.41(1) (c)
T Eskabarb (Phenobarbital)	IV	161.20(2) (m)	No	161.41(3)	161.41(1) (c)
T Eskatrol (Contains Amphetamine)	II	161.16(5) (a)	No	161.41(3)	161.41(1) (b)
Ethchlorvynol	IV	161.20(2) (d)	No	161.41(3)	161.41(1) (c)
T Fiorinal (Contains Butalbital)	III	161.18(3) (a)	No	161.41(3)	161.41(1) (b)
Heroin	I	161.14(3) (k)	Yes	161.41(2r) (a)	161.41(1) (a)

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
Empirin w/Codeine (Tabloid 1, 2, 3, or 4 will be written on tablet)	III	161.18(5) (a)  or	Yes	161.41(3)	161.41(1) (b)
Fiorinal w/Codeine		161.18(5) (b)			
Phenapen w/Codeine		or			
Cough Syrups w/Codeine	V	161.22(2) (a)	Yes	161.41(3)	161.41(1) (d)
T Demerol - (Pethidine) - (Meperidine)	II	161.16(3) (q)	Yes	161.41(2r) (a)	161.41(1) (a)
T Desbutal (Mixture of Methamphetamine & Pentobarbital)	II III	161.16(5) (b) 161.18(3) (a)	No No	161.41(3) 161.41(3)	161.41(1) (b) 161.41(1) (b)
T Desoxyn (Meth- amphetamine)	II	161.16(5) (b)	No	161.41(3)	161.41(1) (b)
T Dexamy1 (Mixture of: Amphetamine & Amobarbital)	II III	161.16(5) (a) 161.18(3) (a)	No No	161.41(3) 161.41(3)	161.41(1) (b) 161.41(1) (b)

<u>DRUG</u>	<u>SCHEDULE</u>	<u>STATUTE</u>	<u>NARCOTIC</u>	<u>PENALTY</u>	
				<u>POSSESSION</u>	<u>SALE-DELIVERY</u>
Amphetamine	II	161.14(5) (a)	No	161.41(3)	161.41(1) (b)
T Amytal (Amobarbital)	III	161.18(3) (a)	No	161.41(3)	161.41(1) (b)
Aureomycin (An antibiotic)	(Prescription)	450.07(1) (a)	No	450.07(7)	450.07(2)
Barbiturate	III	161.18(3) (a) (See also Phenobarbital)	No	161.41(3)	161.41(1) (b)
T Benzedrine (Amphetamine)	II	161.16(5) (a)	No	161.41(3)	161.41(1) (b)
T Biphetamine (Amphetamine)	II	161.16(5) (a)	No	161.41(3)	161.41(1) (b)
T Carbrital (Contains Pentobarbital)	III	161.18(3) (a)	No	161.41(3)	161.41(1) (b)
Chloral Hydrate	IV	161.20(2) (c)	No	161.41(3)	161.41(1) (c)
Cocaine	II	161.16(4)	No	161.41(3)	161.41(1) (b)
Codeine	II	161.16(2) (a)	Yes	161.41(2r) (a)	161.41(1) (a)



## PATROL GUIDE

PROCEDURE No. 140.10

### DOMESTIC DISTURBANCES

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 9

#### POLICY:

A domestic disturbance is one in which the disputants are members of the same family or share a similar intimate relationship.

Domestic disturbance calls may be of a civil or criminal nature.

Although the nature of the disturbance may limit the amount of intervention, officers must respond to:

- (a) restore and maintain order
- (b) prevent minor incidents from becoming criminal offenses
- (c) render emergency assistance

The relationship of the parties and their property interests complicate domestic disputes. These rules incorporate these considerations and establish guidelines for the officers' exercise of authority.

#### DEFINITIONS:

Bodily Injury - Physical pain, illness, or any impairment of physical condition.

Disorderly Conduct - Any act causing consternation or alarm which disturbs the peace and quiet of a community, or tends to provoke or excite others to break the peace.

Child - Any individual under the age of eighteen (18) years and subject to the legal custody of another.

Circumstances Reasonably Indicate - See Probable Cause

Deadly Weapon - A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

In Presence of - When a police officer is aware that an offense is being committed through some or all of his five senses, even though he perhaps cannot see it, then the offense occurs in the presence of the officer.

Private Premises - A permanent or temporary individual residence including, but not limited to: a house, and the grounds immediately surrounding it, an apartment, a hotel room, and a trailer.



## PATROL GUIDE

PROCEDURE No. 140.10

### DOMESTIC DISTURBANCES

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 9

#### DEFINITIONS, cont.:

Probable Cause - That set of facts or circumstances based on reliable, trustworthy information or personal knowledge or observation by an officer which reasonably shows and would warrant an ordinary, prudent man in believing that a particular person has been guilty of, is threatening, or is about to commit some offense against the law.

Public Place - Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Reasonable Grounds - See Probable Cause

Serious Bodily Injury - Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Serious Violence - Acts which will more likely than not result in serious bodily injury.

#### GENERAL PROCEDURE:

Unless there is probable cause to believe that immediate intervention is necessary to prevent serious bodily injury, a domestic dispute should be assigned to two officers. A lone officer should not approach the house until the arrival of a follow-up officer.

1. Specific tactics relative to the safety of the officers will be determined by the officers' knowledge of the dispute and the physical layout of the dwelling.
2. Upon entering the dwelling, the officers should control the access to weapons and the movement of all persons involved.
3. The officers must take charge of the situation immediately, and should separate the parties.
4. In attempting to ascertain the facts of the dispute, the officers shall separate the parties and allow each party to present his or her story.



## PATROL GUIDE

PROCEDURE No. 140.10

DOMESTIC DISTURBANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 9

### GENERAL PROCEDURE, cont. :

5. Where the settlement of the dispute might prove embarrassing to the parties, the officers should request that any children present be removed before proceeding.
6. The officers must remain impartial, and should deal with the disputants tactfully, by:
  - (a) avoiding abruptness,
  - (b) proceeding informally, and
  - (c) directing their manner and effort toward reducing tension

### ENTRY AND INTERVENTION:

This section of the guide will apply only to the entry of private premises. Where one of the parties to a domestic dispute requests police intervention, the officers may enter the premises over the objection of the other party.

### LOCK-OUT:

Where one party is locked out by the other party, the officers should not assist the evicted party in forcing entry, unless it appears that delayed entry may cause an emergency situation.

Where both parties to a domestic dispute refuse to admit the officers to the dwelling, the officers shall respect the parties' wishes, unless they have reasonable grounds to believe that immediate entry is necessary to prevent serious bodily injury or to render emergency aid to an injured person.

- (a) The manner of rejection should be considered in assessing whether or not immediate entry is required.
- (b) Assistance should be offered if the dispute is continuing.
- (c) If the initial call was made by a third party, disorderly conduct may have occurred. Minimal action taken should also include:
  - (1) informing the disputants that a call has been received regarding their conduct;
  - (2) issuing a warning if necessary; and
  - (3) informing the third party of his right to file a formal complaint.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 140.10

DOMESTIC DISTURBANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 9

LOCK-OUT, cont. : Where the officers enter a dwelling on the consent of either or both parties and subsequently both parties request that they leave, the officers must leave unless they have reasonable grounds to believe that their continued presence is necessary to prevent serious bodily injury.

Where the officers enter a dwelling on the consent of either or both parties and subsequently one requests that they leave, the officers may remain over the objection of that party if they have reasonable grounds to believe that their continued presence is necessary to prevent violence.

### NON-ARREST REMEDIES:

The purpose of the remedies in this section is to reduce the tension of the parties and to minimize potential for violence.

### LEAST INTERVENTION:

The officers shall apply the remedy involving the least police intervention necessary to accomplish this purpose.

Possible remedies, listed in ascending order of the degree of intervention, include:

- (a) mediation
- (b) referral to appropriate social, medical, or legal counseling
- (c) temporary voluntary separation
- (d) warning
- (e) mention of complaint procedure
- (f) confiscation of weapon
- (g) physical restraint

### CHILD WELFARE:

Where the officers suspect that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect, they shall:

- (a) Apply remedies to resolve the immediate dispute, and
- (b) Complete a separate incident report on alleged abuse or neglect which will then be routed to the appropriate agency.

### ASSAULT ON ARRIVAL:

Where an assault is committed in their presence, the officers should arrest if:

- (a) serious bodily injury results, or
- (b) the assault is effected with a deadly weapon

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 140.10

DOMESTIC DISTURBANCES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 5 of 9

### ASSAULT PRIOR TO ARRIVAL:

Where an assault has been committed prior to the officers' arrival, the officers may arrest if:

- (a) serious bodily injury resulted, or
- (b) they have probable cause to believe the party committed the assault with a deadly weapon, or
- (c) they have probable cause to believe the party committed the assault with a reckless disregard for human life.

### ASSAULT ON OFFICERS:

Where an assault is committed upon the officers, they may arrest the assailant. Arrest should be made if:

- (a) bodily injury to the officers results, or
- (b) a substantial interference to the performance of their duty results.

### CONTINUING DISPUTE:

Where an assault has been committed prior to the officers' arrival, they should not arrest without a warrant unless the criteria of the Prior to Arrival Section are met. If the dispute is continuing, non-arrest remedies should be applied. If there is no evidence of an assault other than the allegation of the victim, the officers should discourage the filing of a complaint.

### PRESENCE OF CHILDREN:

Where children are present at a domestic dispute, their welfare and safety must be considered.

- (a) Where arrest is mandated under the Assault section, officers must insure that provisions are made for the care of the children.
- (b) The care and protection of children must be considered determining whether or not to arrest.
- (c) If an arrest is made and immediate placement of the children cannot be made, the children will be taken into custody, if necessary, and released to a Juvenile Court Worker.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 140.10

DOMESTIC DISTURBANCES			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 6 of 9

### THREATS:

Policy - The application of non-arrest remedies is aimed at eliminating the threat of future violence.

Procedure - Officers may arrest if the circumstances reasonably indicate that serious violence to a person will occur.

- (a) Alternative remedies must be applied prior to arrest. Where one party is willing to complain, the officers may inform them of the procedures for obtaining a complaint.
- (b) Where alternative remedies are unsuccessful in reducing the potential for violence, arrest should be made.
- (c) A deadly weapon, in plain view, is a major factor in determining the likelihood of serious violence.

### PROPERTY DAMAGE ONLY:

Where property damage is threatened, the officers shall apply non-arrest remedies.

- (a) The threatening party shall, if necessary, be physically restrained to prevent damage.
- (b) The officers shall not arrest unless the threatening party's resistance meets the criteria of the section concerning Assault on Officer.

### INJURY TO A CHILD:

Where physical injury is threatened to a child, non-arrest remedies shall first be attempted.

- (a) In any case where the officers suspect continuing neglect or abuse, they shall include that information in the incident report.
- (b) The parties may be informed of the officers' report and that the situation will be investigated by that agency. Potentially effective temporary remedies include:
  - (1) Warning the parties as to the criminal consequences for child abuse, and/or
  - (2) Arranging for a temporary voluntary removal of the child to the home of a relative, friend, or neighbor.
- (c) If alternative remedies are unsuccessful in removing the threat and the officers have reasonable grounds to believe that an assault will be committed on the child, they shall

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No. 140.10



DOMESTIC DISTURBANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		7 of 9

- INJURY TO  
A CHILD, cont.:            arrest the threatening party/parties and insure that provision is made for the care of children.
- OTHER OFFENSES:
- INTOXICATION:           Officers may not arrest a person solely for intoxication within any private premises.
- (a)    The officers should fully explain this fact to the complainant.
  - (b)    If chronic alcoholism is involved:
    - (1)    the parties may be referred to medical counsel (the appropriate local social agencies), or
    - (2)    the complainant may be told to contact legal counsel regarding the filing of an alcoholic committment petition.
- DISORDERLY  
CONDUCT:                Where an individual is involved in a domestic disturbance in a public place or in a private residence which he has no right to occupy, the officers may arrest if:
- (a)    a breach of the peace is occurring
- In a disorderly conduct situation, the primary duty of the officers is to prevent or abate a public disturbance. An arrest should not be made unless:
- (a)    alternative remedies are ineffective, or
  - (b)    timely arrest is necessary to protect the public interest.
- REMOVAL OR  
DESTRUCTION OF  
PROPERTY:                Where a party to a domestic dispute is removing or attempting to remove property from the dwelling, the officers shall not arrest. Physical restraint should not be employed to prevent the removal.
- (a)    The primary duty of the officers is to prevent violence and to preserve the peace.
  - (c)    The parties should be referred to legal counsel, and warned that their conduct may have civil and criminal consequences.

PATROL GUIDE

PROCEDURE No. 140.10



DOMESTIC DISTURBANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		8 of 9

- REMOVAL OR  
DESTRUCTION OF  
PROPERTY, cont.:        Where arrest is sought in a domestic dispute on the basis of property damage alone, the officers should inform the complain- ing party that community property considerations limit their authority, and suggest that legal counsel be consulted.
- ADULTERY:                Where one spouse seeks police intervention on an allegation of adultery:
- (a)    The purpose of the officers' presence is to prevent an assault or the occurrence of violence.
  - (b)    The officers shall not arrest for adultery. They may inform the parties that adultery is still a criminal offense, but that they should contact legal counsel or the District Attorney.
  - (c)    Normal rules of entry apply:
    - (1)    where both spouses are inside private premises, the officers may enter on the consent of one spouse,
    - (2)    where the complaining spouse is outside the private premises, the officers may not forcibly enter.
- DIVORCE/CHILD  
CUSTODY:                Where one party to a domestic dispute alleges that an estranged spouse is violating a court order fixing custody of the children, the officers shall:
- (a)    Apply non-arrest remedies to prevent violence and preserve the peace,
  - (b)    Warn both parties of the possible civil and criminal violations involved in their conduct, and suggest that they contact legal counsel,
  - (c)    If additional action is demanded by either of the parties, inform them of their right to file a complaint,
  - (d)    If there remains apparent danger to the health or safety of children:
    - (1)    attempt to obtain the parents' consent to the temporary voluntary removal of children
    - (2)    if this is unsuccessful, apply the procedures of the section on Injury to Child.



## PATROL GUIDE

PROCEDURE No. 140.10

DOMESTIC DISTURBANCES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15. Sept. 1980		9 of 9

### DIVORCE/CHILD

#### CUSTODY, cont.:

Where one of the disputants alleges that the estranged spouse is removing or destroying property which belongs to the complainant, the officers shall follow the procedures of Section on removing property or Section on destroying property.

### CONFISCATION OF WEAPON:

When a weapon is present at the scene of a domestic dispute and the officers perceive, or are informed by one of the disputants that it may become involved in the dispute, the officers shall:

- Request that the weapon be placed in their custody temporarily,
- Search for and remove a firearm if one of the parties requests that they do so,
- Seize the weapon if it is in plain view and alternative remedies have not been effective in alleviating the threat of serious violence it poses.

When a weapon is seized under the preceding section, the officers shall make note of this in the incident report, and will inform him that he may reclaim the weapon from the Inspector of Detectives.



## PATROL GUIDE

PROCEDURE No. 150.10

RESTRICTING RELEASE OF INFORMATION			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 4

### FUNCTION:

Members shall be governed by the following policies in regard to releasing of information.

### RELEASE OF INFORMATION:

No member, without specific authority of the Chief of Police, the Inspector, or the Information Officer, shall give out any information pertaining to any report, arrest statement, investigation, traffic accident or criminal record or history or any other matter which may or should be in the official files of the Department, to any person or persons other than the following:

- Courts and official hearings
- The City Attorney
- The District Attorney
- Officials of duly constituted public agencies, if the requested information pertains to their official business
- Legal subpoenas
- News media representatives, as defined in the next section

### RELEASE OF INFORMATION

#### TO NEWS MEDIA:

- A. Relations with the news media

The public is very much interested in the activities of the Superior Police Department and it expects the various news media to provide this information. It is a fact that news becomes news when it happens; it is not something held in suspension. However, not all of the activities of the police department can be reported when they happen. When releasing information concerning person in custody, certain restrictions must exist because of the risk of jeopardizing an individual's rights, as well as violating the Due Process Clause of the Fourteenth Amendment to the Constitution.

A good example of the results of failing to protect a defendant from undue publicity is the case of Sheppard vs Maxwell. The United States Supreme Court held that public officials failed to protect Sheppard sufficiently and that the massive, persuasive, and prejudicial publicity which attended Sheppard's prosecution was a clear violation of the Due Process Clause of the Fourteenth Amendment.

The two-fold responsibility of keeping the news media informed and of protecting the rights of persons in custody has necessitated the Superior Police Department to set a positive goal in its relations with the news media.



## PATROL GUIDE

PROCEDURE No. 150.10

RESTRICTING RELEASE OF INFORMATION			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 4

RELEASE OF  
INFORMATION  
TO NEWS  
MEDIA, cont. : Members of the Superior Police Department are encouraged to be open, honest, frank, and cooperative whenever possible, consistent with the statutes of the State of Wisconsin and the policies of the Superior Police Department.

### B. Department Policy

- (1) It is the policy of the Superior Police Department to assist accredited representatives of newspapers, radio, television, and other news media to gather news information pertaining to activities of the Department.
- (2) Members of the Superior Police Department are urged to be as courteous as possible to accredited representatives of the media.
- (3) Members of the Superior Police Department are authorized to give information over the telephone to known representatives of the news media. In cases where the newsman requesting the information via telephone is not known, his identity can be established by calling him at his news agency. If the newsman requesting the information is not known and is not calling from his news agency, the officer will request the newsman to name a representative who may be contacted at his news agency. The officer, upon receiving this information, will immediately call this person at the news agency and forward the requested information.

### C. Information Available for Release

- (1) Information
  - (a) Arrestee's name, alias, sex, race, address, occupation
  - (b) Name of arresting officer
  - (c) Date and time of arrest
  - (d) Charge
  - (e) Court in which charge is filed
  - (f) Notation of any release or transfer
  - (g) Bonding information

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 150.10

RESTRICTING RELEASE OF INFORMATION			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 4

RELEASE OF  
INFORMATION  
TO NEWS  
MEDIA, cont. : D. Information Not Available to the News Media

- (1) Incident Report, Nothing Except the Front Page
  - (a) Identification and description of witnesses
  - (b) Synopsis of purported confession
  - (c) Officer's speculation as to suspect's guilt
  - (d) Officer's view of witness credibility
  - (e) Statements by informants
  - (f) Ballistics reports
  - (g) Fingerprint comparisons
  - (h) Blood and other lab tests
  - (i) Results of polygraph tests
  - (j) Refusal to take polygraph tests
  - (k) Trace-metal test results
  - (l) Spectrographic or other investigator reports
- (2) Personal History and Arrest Record (Prior Arrest Card)
  - (a) Identifying number
  - (b) Name, race, sex, alias, place and date of birth, physical description with emphasis on scars and tattoos
  - (c) Occupation, marital status and relatives
  - (d) Mugshots, palm prints, fingerprints and signatures
  - (e) Chronological history of any arrests and dispositions.

E. No details of an internal investigation will be revealed to the news media until the case has been brought to a logical conclusion and release of such information has been approved by the Chief of Police or his designate.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 150.10

### RESTRICTING RELEASE OF INFORMATION

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 4

#### RELEASE OF INFORMATION TO NEWS MEDIA, cont. :

- F. The supervisor in charge of an investigation or other incident may release information pertaining to the case. Restrictions on access to the crime scene and release of information by subordinates will be imposed only when the officer in charge believes it necessary for the success of the investigation. Information concerning investigations or other incidents will be withheld only when release of names of suspects, undeveloped leads, or other such information would jeopardize the successful conclusion of the investigation or interfere with proper handling of the incident. Members of the department will seek the cooperation of news media representatives in such matters.
- G. Officers shall permit news media representatives to question witnesses, complainants, or suspects only after such persons have been questioned by the police and provided they are not in custody.
- H. If news media representatives refuse to cooperate or should they violate the agreed upon confidence, the Chief of Police will be notified as soon as it is practical. Conversely, if a representative of the news media experiences difficulty in gathering information in accordance with the aforementioned procedure, he is encouraged to contact the Chief of Police.

#### TEMPORARY REMOVAL OF RECORDS:

When it is necessary, in the performance of duties, to remove official reports or records temporarily from any of the files maintained in the Superior Police Department, members shall be governed by the following conditions, unless a subpoena has been issued:

- Permission must be acquired from the supervisor on duty in the Department.
- No records will be removed from the filing area once they have been filed. Only copies will be removed and used under approved conditions.

INDEX CARDS: Index cards, also known as arrest cards, shall not be removed at any time for any reason from the files of the Superior Police Department. If a misfiled card is located, such misfiled cards will be removed and refiled in the correct place.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 150.20

### RELEASE OF ARREST AND CONVICTION RECORDS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

#### PURPOSE:

This policy statement shall govern the release of arrest, conviction, and investigatory records. They identify the purposes for which records may be released, the procedures by which release is to be made, and the persons to whom records may be released. This policy seeks to strike a balance between the privacy of the individual and at the same time, the need for effective, essential law enforcement informational needs.

#### DEFINITIONS:

For the purposes of this section only:

#### ARREST RECORD:

An "arrest record" is a compilation of information maintained in the custody of the Records Bureau, of any arrest or temporary detention. It may include, but not be limited to, the identity of the person arrested or detained, nature and circumstances of police contact, the charge, and disposition or present status of the case. Compilation of general or investigative information or "investigative reports" shall not be considered "arrest records."

#### CONVICTION RECORD:

A "conviction record" is an arrest record in which the disposition includes a conviction.

#### JUVENILE RECORD:

A "juvenile record" is an arrest or conviction record of any person who is under the age of 18 at the time of such arrest and/or conviction, provided that such person's case was not waived or otherwise brought into circuit or county court.

#### CRIMINAL JUSTICE PERSONNEL:

"Criminal justice personnel" are judges, clerks of courts, prosecutors, correctional officers (including officers in juvenile institutions), parole boards and officers, and probation officers.

#### SCOPE:

Information contained in arrest or conviction records may not be released except as authorized by these rules.

#### PERSONS AUTHORIZED TO RELEASE RECORDS:

Only departmental personnel expressly authorized by the Chief or by appropriate authority may release arrest or conviction records or information contained therein.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 150.20

RELEASE OF ARREST AND CONVICTION RECORDS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 5

### CIRCUMSTANCES FOR RELEASE:

Unless otherwise provided by law, arrest and conviction records may be released only under the following circumstances:

- To law enforcement agencies of any jurisdiction for law enforcement purposes;
- To Criminal Justice personnel - for purposes of executing the responsibilities of their positions in a matter relating to the individual whose record is requested;
- To defense counsel or their agents - for purposes of providing representation in a criminal or juvenile proceeding to the individual whose record is requested, provided that acceptable proof of that representation is produced, after approval of the District Attorney.
- To the individual, upon approval of the Chief, who is the subject of the record requested provided the person shows adequate identification and examines the record within the department. If he is unable to inspect his records due to illiteracy, he may select a person to provide assistance to him. If he is unable to inspect his own record due to confinement, appropriate arrangement shall be made to allow him to inspect the records at the place of confinement. The individual may take notes, but may not copy the report verbatim.
- To prospective employers, governmental or private, only when the law expressly so requires or when pursuant to a determination of the Chief of Police, reasons of national security so dictate.
- To bona fide researchers: Upon approval of the Chief of Police, information contained in arrest or conviction records may be released to bona fide researchers for reserach purposes upon the condition that the research shall not make public the records nor contact the individuals involved. The Chief may order that specific data (names, places, etc.) be deleted from the records before allowing the researcher access to them.
- To the Dean of Students or appropriate University personnel when the incident involves an individual affiliated with the University of Wisconsin-Superior or local universities.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 150.20

RELEASE OF ARREST AND CONVICTION RECORDS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 5

### RELEASE OF JUVENILE RECORDS:

Peace officers' records of children shall be kept separate from records of persons 18 years or older and shall not be open to inspection or their contents disclosed except by order of the court or according to s.48.293. This subsection shall not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved or to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 16 or older who are transferred to the criminal courts.

Records of the court assigned to exercise jurisdiction under this chapter shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court.

This section shall not apply to proceedings for violation of chapters 340 to 349 or any county or municipal ordinance enacted under chapter 349.

### PROCEDURES FOR RELEASE OF INFORMATION:

No information concerning arrests or convictions shall be released unless such information includes a statement of either the final disposition of the matter or the present status of the case if no final disposition has been made.

#### Form - Certification of Purpose

Any person or agency not directly connected with a law enforcement function and authorized by these rules to receive information contained in arrest conviction, investigatory records shall be furnished with such information upon completion of the following certification:

(See next page)

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 150.20

RELEASE OF ARREST AND CONVICTION RECORDS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

## PROCEDURES FOR RELEASE OF INFORMATION, cont:

I certify that I am familiar with the limited purposes set forth in the Guide of Superior Police Department for which information gained from arrest and conviction records may be used, and that the information requested will be used solely for these limited purposes and not to harass, degrade, humiliate, or discriminate against any person for employment purposes.

The specific purpose for which the information is requested is \_\_\_\_\_

The information released shall be used only for this purpose and \_\_\_\_\_ (Name of person or agency) hereby agrees to indemnify the Superior Police Department for any liability arising out of any improper use of the information provided.

\_\_\_\_\_  
Signature

## REQUEST FOR NON-RELEASABLE INFORMATION:

When a request for the release of information contained in arrest and conviction records is received, and such information may not be released under these or other rules, the following reply should be made:

The arrest, conviction, or investigative records of the Superior Police Department are not public records and are not open to public inspection. As a matter of department policy, release of such records is limited almost entirely to law enforcement and criminal justice personnel. Accordingly, the department has not conducted a search of its records for information relating to your request.

## DESTRUCTION OF RECORDS:

- (a) Unless required by statute or judicial order, departmental records shall not be physically destroyed or sealed except that upon a determination of the Chief of Police that manifest injustice would result from maintenance of such record.
- (b) When destruction or sealing of arrest or conviction records is required by statute or judicial order, all agencies to whom such records have been released shall be so notified where possible and practicable at the time of the destruction or sealing, and asked to return all copies of the record.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 150.20

RELEASE OF ARREST AND CONVICTION RECORDS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

## CIVIL INVESTIGATORY REPORTS:

Civil investigative reports (accidents, negligence cases, background work, etc.) shall not be released to anyone except:

- (a) Law enforcement agencies for law enforcement purposes, or
- (b) Those automobile accident forms specifically allowed by state law.
- (c) To the parties involved in the incident, or to their attorneys, upon approval, except where the Superior Police Department is a party to the incident in dispute.

## CRIMINAL INVESTIGATIVE REPORTS:

If civil report accompanies criminal action, the report may not be released until complete disposal of the criminal matter. Those reports based on cases under investigation relating to a crime (Sec. 939.12 Wisconsin Statutes) shall not be released to anyone except:

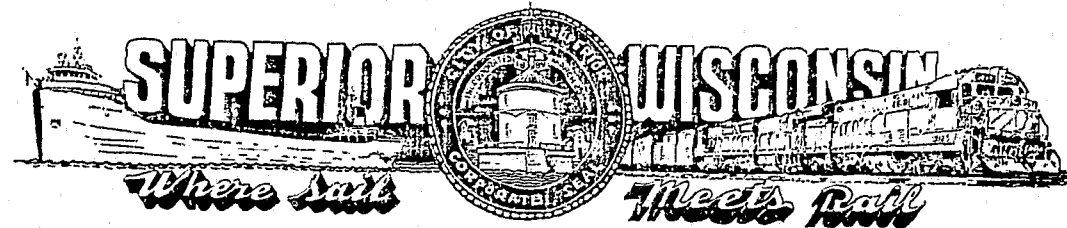
- (a) Law Enforcement agencies for law enforcement purposes, or
- (b) To prospective employers, governmental or private, only when the law so required or when pursuant to a determination by the Chief, reasons of national security so dictate.
- (c) To the individual involved or to his defense counsel upon approval of the Chief. (Notes may not be taken.)

## SUSPENSION OF THESE RULES:

When it appears that any of the regulations of this section should be modified or disregarded because of special circumstances only, specific authorization to do so may be obtained from the Chief of Police.

SUPERIOR POLICE DEPARTMENT





OFFICE OF

1407 HAMMOND AVENUE  
54880

DATE

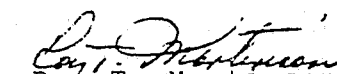
Based on your inquiry of \_\_\_\_\_, the following is the information that we can make available to you:

Complainant \_\_\_\_\_  
Address of Complainant \_\_\_\_\_  
Nature of Complaint \_\_\_\_\_  
Date Offense Occurred \_\_\_\_\_  
Date Reported to This Department \_\_\_\_\_  
Where Offense Occurred \_\_\_\_\_  
Description and Value of Articles Taken \_\_\_\_\_

Disposition of Complaint \_\_\_\_\_

Attached hereto is our bill for \$4.00 for searching our records and preparing this information for you.

Yours very truly,

  
Roy T. Martinson  
Chief of Police

Enclosure

A PORT CREATED TO SERVE

RELEASE OF INFORMATION DENIED

DATE \_\_\_\_\_

TIME \_\_\_\_\_

INFORMATION REQUESTED \_\_\_\_\_

BY \_\_\_\_\_

REASON INFORMATION NOT RELEASED:

- |  |   |
|--|---|
| <input type="checkbox"/> right to fair trial                               | <input type="checkbox"/> illegal purpose            |
| <input type="checkbox"/> safety of witnesses or complainants               | <input type="checkbox"/> privacy                    |
| <input type="checkbox"/> ongoing investigation                             | <input type="checkbox"/> juvenile records           |
| <input type="checkbox"/> investigative techniques or protective procedures | <input type="checkbox"/> harassment                 |
| <input type="checkbox"/> release by permission of Chief only               | <input type="checkbox"/> referred to Chief          |
| <input type="checkbox"/> possible City liability                           | <input type="checkbox"/> administrative restriction |

OTHER, SPECIFY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_





## PATROL GUIDE

PROCEDURE No. 150.30

### RELEASE OF INFORMATION TO NEWS MEDIA

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

#### POLICY:

A well-informed public is essential to the existence of a democratic nation. To effectively exercise his franchise, a citizen must be aware of current events and the state of government. Crime, its results, and the efforts to combat it are all matters of continuing public concern. A free press serves the public by providing a medium for expression. The Department is regularly involved in events at which members of the news media are properly present and performing their task at gathering information.

The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations. However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

#### DECISION TO RELEASE:

The decision to release information will be determined in each case in accordance with the guidelines as established in the section. In recognition of the public policy embodied in Wisconsin Statutes 19.21 (2), as many public documents as possible should be made available for public scrutiny. The public's right to know shall be balanced against a variety of other factors as discussed throughout this section.

#### WHO MAY RELEASE:

Only departmental personnel authorized by the Chief or the Chief, himself, may grant requests for the inspection of records and documents in the custody of the department. All statements relating to policy, procedure, specific plans and/or items, and budgetary information shall be released only from the office of the Chief. Any photographs publicly released (including but not limited to) personnel photographs, investigation photographs, or arrested persons' photographs shall be released by the Chief. Public release of information concerning a civil case potentially involving Department liability may be withheld until review with the Department's legal counsel and the City Attorney.

#### GENERAL GUIDELINES FOR BALANCING

#### HARM TO OTHERS:

- If, in the Chief's opinion, no harm will result to any person or institution, then public release shall be immediately granted. If, however, some harm may result, the Chief may deny the request and inform the persons of the reasons for reaching the decision.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 150.30

### RELEASE OF INFORMATION TO NEWS MEDIA

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 5

#### RE-EVALUATION:

At that point, the person may re-request the items in writing stating his reasons for release. The Chief must then balance all the interests and advise of his decision in writing, stating his reason therefore.

- Portions of documents may or may not be released at the discretion of the Chief.

#### PUBLIC POLICIES AGAINST DISCLOSURE

The following items may warrant special consideration and often have a competing public policy against public disclosures.

#### Right to a fair trial:

- To avoid unfair pretrial publicity some information probably should be withheld until after trial. This would include, but not be limited to:
  - Statements as to the character of the accused;
  - Contents of admissions, confessions, or alibis offered by the accused;
  - Performance in results of tests taken, a refusal of accused to take such tests;
  - Statements relating to credibility of potential or actual witnesses;
  - Opinions expressed by investigating officers;
  - Opinions as to possibility of plea bargaining;
  - Any other statements relating to the merits, evidence, or theories of the case.
- The following information may be released prior to trial:
  - The accused name, age, residence, employment, and marital status, and other background information;
  - Substance of the charge against the accused;
  - Circumstances immediately surrounding the arrest, including time and place, pursuit, etc.

#### INVESTIGATIONS AND TECHNIQUES:

The public interest is best protected if the criminal element included within the general public is not forewarned of police investigative procedures and crime prevention methods. Thus, special consideration should be given before public disclosure of any record or document relating to police investigative procedures or crime prevention methods, including, but not limited to, the following:

- Reference to investigative procedures relating to fingerprints, polygraph, blood-alcohol tests, ballistics or other laboratory procedures and conclusion and methods.

**SUPERIOR POLICE DEPARTMENT**

PATROL GUIDE

PROCEDURE No. 150.30



RELEASE OF INFORMATION TO NEWS MEDIA			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 5

INVESTIGATIONS  
AND TECHNIQUES,  
cont. :

2. Police techniques such as surveillances and the use of informants, alarms, time tables for transactions or transportation of valuables.

CONTINUING  
INVESTIGATIONS:

Any information concerning a continuing investigation of a police matter shall receive "special consideration." Not only is there a possibility of prejudice to the potential party's right to a fair trial, but also a possibility that premature release of this type of information may hamper police in the swift conclusion of their investigation or other disposition of the case. Descriptions of wanted and missing persons and other current police incidents will be released when the release of such information to the public may aid in the solution of the problem, alert the public to possible danger, or aid in the prevention of crime; however, description of missing persons should probably be withheld unless the consent of the family for public disclosure has been obtained.

IDENTITY OF  
INFORMANTS,  
COMPLAINANTS,  
WITNESSES AND  
VICTIMS:

Only with the cooperation and support of the public are police able to perform their function in modern society. Police must continually rely upon the reports and subsequent testimony of concerned citizens to identify and abate criminal activity. Most persons who provide information relating to real or suspected unlawful activity to the police do so with an expectation of confidentiality, unless their testimony is necessary at trial. Individual citizens are often reluctant to assist police if the notoriety and embarrassment of public disclosure is a certainty. A chilling effect on citizen assistance, though hard to measure, would surely result from general and indiscriminate public disclosure of the identity of persons who assist the police in this manner. So too, an informant, once revealed, ceases to perform as an adjunct to the task of law enforcement. Additionally, those persons would be unnecessarily subjected to the increased possibility of harassment and retaliation. Serious thought shall be given any information concerning the identity of informers, complainants, and witnesses to protect those citizens who assist the police from embarrassment, to protect their safety, and to encourage citizen participation in law enforcement. The names of victims of criminal acts may be released, except where the identification of the person will endanger the individual's safety, hamper further investigation, or is contrary to law.

PATROL GUIDE

PROCEDURE No. 150.30



RELEASE OF INFORMATION TO NEWS MEDIA			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 5

PERSONS UNDER  
SUSPICION:

Any revelation of the identity of a person suspected of unlawful activity before arrest or other commencement of lawful proceedings may subject a completely innocent person to public scorn and embarrassment. Additional harm to the public welfare may result if a suspect or his accomplices flee to avoid apprehension. Disclosure may also endanger the suspect's safety. Special consideration and thought shall be given to the release of any suspect's identity before arrest or other commencement of lawful proceedings.

DEPARTMENT  
PERSONNEL:

Special consideration and thought shall be given before the release of any information contained in records concerning department personnel. These records often contain materials concerning financial, medical, social, personal history data, or past work evaluation or current job evaluations that are secured upon a pledge of confidence. Any breach of this expectation of confidence would hamper efforts of the Department to collect all the information necessary to properly evaluate its personnel. Disclosure of such information may also unduly damage reputations of persons named in such records. Any request for disclosure of information in these records should also be evaluated to identify the existence of financial, medical, social, or personal history or disciplinary data which may also be unduly damaging to reputations.

OTHER CASES:

The above enumeration of information categories which should receive special consideration is not intended to be exhaustive. Because of the unique nature of each fact situation, the releasing officer or Chief must, in each case, make an individualized judgment concerning the information requested. In weighing the competing public policy interests, the releasing officer may find that, in view of a particular fact situation, certain information not herein enumerated may warrant denial of release. In that event, the releasing officer shall follow the procedure set forth herein for that information specifically enumerated as warranting denial of release.

PUBLIC DOCUMENTS NOT TO BE RELEASED

JUVENILE  
RECORDS:

Requests for inspection of childrens' police records may not be granted, except to representatives of newspapers or other reports of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved. (Wisconsin Statutes Sec. 48.26) However, this section will not be invoked if the offense is a traffic violation of Chapters 340 to 349, Wisconsin Statutes, or a county or municipal ordinance enacted under Sec. 349.06, Wisconsin Statutes.



## PATROL GUIDE

PROCEDURE No. 150.30

RELEASE OF INFORMATION TO THE NEWS MEDIA			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08Sept. 1980	15 Sept. 1980		5 of 5

### CITIZEN REPORTS:

Reports submitted to the Department by private citizens are often opinions and hearsay and should not be released for inspection, except as provided by law.

**ATTORNEY-CLIENT:** Certain information contained in public records and documents in the Department is protected by the attorney-client privilege or by the Attorney's work product rule, and may be protected from release. Each request for information which may be protected by the attorney-client privilege shall be discussed with the attorney responsible for the particular case involved, including work of the Department Legal Advisor.

### NEWS RELEASE:

The Department shall make every effort to release information without partiality, and accordingly should vary the times when news releases are given to the media so that such releases do not operate to the advantage or disadvantage of particular media deadlines.

### NEWS AREAS:

Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Depending upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas. Authorization for entry is limited to known press personnel and requires approval from the officer in charge.

While a newsman may be permitted in the area of a crime scene or a serious police incident, he does not have the authority to be within a crime scene or area which has been secured to preserve evidence or any location where his presence jeopardizes police operations.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 170.10

JUVENILE PROCEDURES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 5

### POLICY:

The juvenile procedures included in this section are intended to serve as guidelines and to inform the officers of information available concerning problems, duties and responsibilities unique to juveniles. Police officers have legal obligations and responsibilities regarding children under 18 years of age. It is extremely important for all concerned that these duties are fulfilled. Many unusual situations will arise during juvenile investigations which have not been adequately covered in this section. When these occur, the Juvenile Bureau is prepared to assist each officer.

The juvenile justice system stresses that the best interests of the child shall always be of paramount consideration. Officers shall also consider the interests of the parents/guardians, public, and the individual officers' safety when handling the juvenile offender.

### DEFINITIONS:

#### CHILD OR JUVENILE:

Any person who is less than 18 years of age.

#### DELINQUENT CHILD:

Any child 12 years of age or older that has violated any federal or state criminal law.

#### STATUS OFFENDER:

A child who commits a non-criminal act, including but not limited to, runaway, incorrigibility, truancy, liquor and curfew violations.

#### ABUSED CHILD:

Any child inflicted with a physical injury by other than accidental means, or sexual intercourse or sexual contact under Wisconsin Statutes 940.225. In this paragraph, physical injury includes, but is not limited to, severe bruising, lacerations, fractured bones, burns, internal injuries or any injury constituting great bodily harm under s. 939.22(14).

#### NEGLECTED CHILD:

Any child whose parent, guardian or other person exercising temporary or permanent control over the child, neglects, refuses, or is unable for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

### POLICE ROLE:

Society has always assumed a protective posture with regard to children. That attitude of protection has greatly influenced the workings of the juvenile justice system.

The system has been established to allow a great deal of discretion in the handling of juvenile offenders, much of that discretion to police officers. The administration of informal justice

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 170.10

### JUVENILE PROCEDURES

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 5

#### POLICE

ROLE, cont. : requires a great deal of skill. It is vitally important that all department personnel realize the magnitude of their task and familiarize themselves with accepted juvenile procedure.

#### JUVENILE CONTACTS:

Each time a member of this department makes a contact with a juvenile, he is in some way affecting the child's attitude toward authority and law enforcement. A child's needs and feelings, while not totally developed, approximate those of an adult. A juvenile's rights are the same as an adult.

1. When a juvenile offender is contacted, the action an officer will take should be determined by several factors, including the child's age, previous juvenile history, family background, availability of department and community resources, and other variables dictated by the specific incident.
2. Action taken may result from a simple warning to a request for secure detention.
3. Whenever there is doubt as to what course of action is appropriate, the arresting officer should contact the Juvenile Bureau or Shift Commander and/or an incident report and Juvenile Face Sheet should be submitted in order that a thorough investigation can be completed.

#### TAKING A CHILD INTO CUSTODY:

A police officer can take a child into custody when:

1. A warrant has been issued
2. A capias has been issued
3. An order of a judge has been issued, upon showing satisfactorily to the judge that the welfare of the child demands that the child be immediately removed from his or her present custody.
4. Circumstances in which a law enforcement officer believes on reasonable grounds that:
  - a. A capias or a warrant for the child's apprehension has been issued in this state, or that the child is a fugitive from justice.
  - b. A capias or a warrant has been issued in another state for the child's apprehension.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 170.10

### JUVENILE PROCEDURES

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		3 of 5

#### TAKING A CHILD INTO CUSTODY, cont.:

- c. The child is committing or has committed an act which, if committed by an adult, would be a crime.
- d. The child has run away from his or her parents, guardian, or legal or physical custodian.
- e. The child is suffering from illness or injury or is in immediate danger from his or her surroundings, and removal from those surroundings is necessary.
- f. The child has violated the terms of court ordered supervision.
- g. The child has violated a civil law or a local ordinance punishable by a forfeiture, provided that in any such case that the child be released as soon as possible.

Anytime a child is taken into custody, a juvenile contact report shall be completed and attached to the incident report.

#### NOTIFICATION TO PARENT OF CHILD TAKEN INTO CUSTODY:

Anytime a police officer takes a child into custody, he shall immediately attempt to notify the parent, guardian or legal custodian of the child by the most practical means and shall continue such attempt until the parent, guardian, or legal custodian of the child is notified.

#### RELEASING CHILD FROM CUSTODY:

A police officer should release a child from custody as soon as it is reasonably possible, using the following guidelines:

1. A child shall be released to the child's parents, guardian or legal custodian, or
2. If the child's parents, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, the child may be released to a responsible adult and verbally warned or counseled as may be appropriate, or
3. In the case of a child 15 years of age or older, may release the child without immediate adult supervision.
4. If an officer cannot release the child, for any reason, the juvenile court intake worker shall be notified.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 170.10

JUVENILE PROCEDURES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		4 of 5

### HOLDING A CHILD IN SECURE DETENTION:

If all attempts have failed to release the child from custody and a police officer feels that the child should be held in secure detention, the officer shall request that the juvenile court intake worker respond to police headquarters and authorize placement in secure detention. Department members are reminded that placement of a juvenile in secure detention cannot be made unless the child is first interviewed face-to-face by a juvenile court intake worker. (Note - if the child to be placed in secure detention exhibits violent behavior that places himself or others in immediate danger, the following procedure can be completed by the Shift Commander: The Shift Commander, upon determining that the child's behavior is violent and dangerous, shall notify the juvenile court intake worker by phone and request that the juvenile court intake worker authorize placement via phone with the secure detention facility. Placement cannot be made until the facility receives the phone call from the juvenile court intake worker.) All requests for secure detention shall be made on form J1-03 (Temporary Physical Custody Request).

### INTERVIEWING JUVENILE OFFENDERS:

Whenever it is necessary for members of this department to interview a juvenile at school or some other location outside of the child's home, officers should first contact the individual in charge of the facility, inform him of their presence, and request permission to interview the child. When interviewing a juvenile offender, officers are reminded that a child has the same rights as an adult. It has been the policy of the local courts that the parents of a child be present when a statement is obtained from a juvenile.

### JUVENILE TRAFFIC OFFENDERS:

#### 16 YEARS OF AGE OR OLDER:

Officers shall treat juveniles 16 years of age or older as adults in traffic violations. This includes placing the child in jail if he/she does not meet the criteria for being released immediately after being issued the citation. Intake personnel do not have to respond to headquarters when you lodge a child 16 years of age or older for a traffic violation. Officers shall attach a completed Juvenile Contact Report to the traffic citation.

#### 15 YEARS OF AGE OR YOUNGER:

All juveniles 15 years of age or younger who violate a traffic law shall be handled as follows:

1. A citation shall be completed (leaving the court date blank) and appropriate copy given to the juvenile.

**SUPERIOR POLICE DEPARTMENT**



## PATROL GUIDE

PROCEDURE No. 170.10

JUVENILE PROCEDURES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		5 of 5

#### 15 YEARS OF AGE

- OR YOUNGER, cont. :
2. An incident report and Juvenile Face Sheet shall be completed and attached to the citation.
  3. Officers are reminded that the citation shall not be placed on the traffic blotter, and bail cannot be taken. The child shall be released according to the department's standard procedure for releasing a child from custody.

**SUPERIOR POLICE DEPARTMENT**

PATROL GUIDE

PROCEDURE No. 170.20



JUVENILE ORDINANCE VIOLATIONS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

PURPOSE: To inform members of this department the proper procedure to follow when they take a juvenile into custody for a violation of a City of Superior Municipal Ordinance.

PROCEDURE: When a juvenile 14 years or older is taken into custody for an ordinance violation, the following procedures will be followed:

MEMBER OF THE DEPARTMENT:

1. The offense committed by the child must be a violation of the City of Superior Municipal Ordinance.
2. Complete an incident report.
3. Complete a juvenile field contact sheet.
4. Complete an adult arrest form, filling in everything but the arrest number. (See example)
5. Complete a bail receipt form for the juvenile. Make sure the juvenile signs the bail receipt form. (See example)
6. Assign the juvenile a court date for the offense. Juvenile Ordinance Court is held on every Thursday at 1:30 p.m. Please use 12:01 a.m. on Monday as a cut-off date for the following Thursday.
7. Release the child using guidelines established by Wisconsin State Statutes 48.20 (2): "A person taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian or legal custodian, or if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and verbally counsel or warn as may be appropriate; or, in the case of a child 15 years of age or older may release without immediate adult supervision." If an officer still cannot release the child, for any reason, he should contact the Juvenile Intake Worker.

SHIFT COMMANDER:

1. Ensure that the department member has completed all necessary department forms, and has released the child as stated in 48.20 (2).
2. Ensure that copies are made, if necessary, of all data for the Court Officer.

JUVENILE OFFICER:

1. Ensure that department records personnel deliver all data to the Juvenile Ordinance Court.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 170.20



JUVENILE ORDINANCE VIOLATIONS			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

- JUVENILE OFFICER, cont. :
2. Assign the Juvenile Arrest Form a number from the arrest blotter located in the Juvenile Bureau.
  3. Ensure that the parent/guardian of the child is notified by mail utilizing the department "Parent Notification Form." (See example)
  4. Appear in-person as the department representative at Juvenile Ordinance Court.

BAIL: No member of this department shall take bail from any child taken into custody for a juvenile ordinance violation.

JUVENILES UNDER AGE 14: Any juvenile under 14 years of age will be processed through Juvenile Court. The only forms needed are the incident report and the juvenile field contact sheet.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 170.21



## JUVENILE ORDINANCE VIOLATIONS (ILLUSTRATIONS)

DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1
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# ARREST

CITY OF SUPERIOR  
POLICE DEPARTMENT

# RECORD

ARREST NUMBER	MONTH 1	DAY 1	YEAR 80	TIME 0100	INCIDENT NO. A000000	NCIC CHECKED/NUMBER (X) YES ( ) NO
NAME (LAST) Doe	FIRST John	MIDDLE J.	ALIAS NAME "Little Johnny"			
RESIDENCE 123 Anyplace Street, Superior, WI			PHONE 392-0000	SOCIAL SECURITY NO. 100-00-0000	MARITAL STATUS S	
PLACE OF BIRTH Superior, WI	D.O.B. 1-1-65	RACE W	SEX M	AGE 15	HEIGHT FT. 5 IN. 8	WEIGHT 140
CHARGE Curfew Violation		VEHICLE ----	LIC. NUMBER -----	DISPOSITION OF VEHICLE -----		
LOCATION OF ARREST Belknap Street & Tower Avenue			ARRESTING OFFICER Officer Friendly		UCR CODE	
JENT. NO. ( ) LODGED (X) RELEASED	TIME 0115	COURT DATE Any Thursday	TIME 1:30 PM	BAIL AMOUNT No Bail		
DISPOSITION						

### BAIL RECEIPT

XX Superior Police Department

Nº 5718

Distribution: Pink—Operator; White—Court; Yellow—Agency

Date 1-1, 19 80, 0115 A.M.

Amount of Bail \$ No Bail

Received of John J Doe

the sum stated above as bail for his appearance in Douglas County Court, Branch II, at the Douglas County Courthouse, 1313 Belknap Street, Superior, Wis., on the court date herein specified to answer to the charge of Curfew Violation

Ord. in violation of Stat. Sec. 23-3(a)

PERSON RECEIVING BAIL Officer Friendly

Court Date Any Thursday, 19 80, 1:30 P.M.

"John Doe"  
DEFENDANT'S SIGNATURE

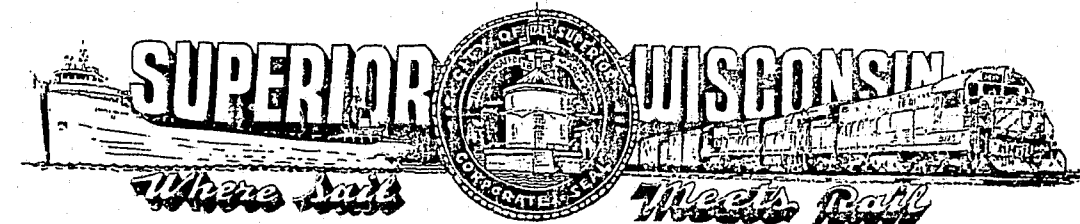
AGENCY NAME Superior P.D.  
1409 Hammond Avenue  
Superior, Wisconsin 54880

SUPERIOR POLICE DEPARTMENT

JUVENILE - NOTICE TO PARENTS (ILLUSTRATION)

170.22

CITY OF



OFFICE OF  
Police Department  
Juvenile Bureau

1407 HAMMOND AVENUE  
54880

DATE  
January 1, 1980

To the parents/guardian of: John J. Doe, 1-1-65  
(Name/date of birth)

This letter is to inform you that your child has allegedly violated a City of Superior Municipal Ordinance. The violation that your child has been charged with is Curfew Violation.

We have informed your child that his/her court date is on Thursday, Any Thursday, at 1:30 p.m. Court is held in Douglas County Circuit Court, Branch II (1313 Belknap Street, 3rd floor). Although your attendance is not required by law for this court appearance, we feel you should be notified. If your child fails to appear for his/her court appearance, a Capias (warrant) will be issued for his/her arrest.

If you have any questions regarding this matter, please feel free to contact the Juvenile Bureau at 394-0408 or 394-0234.

Roy T. Martinson  
Chief of Police  
Superior Police Department

A PORT CREATED TO SERVE





# PATROL GUIDE

PROCEDURE No. 171.10

CHILD ABUSE AND NEGLECT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 4

- PURPOSE: As stated in the Wisconsin Statutes the purpose of the Child Abuse and Neglect Act is:
- "...to protect the health and welfare of children by encouraging the reporting of suspected child abuse and neglect in a manner which assures that appropriate protective services will be provided to abused and neglected children and that appropriate services will be offered to families of abused and neglected children in order to protect such children from further harm and to promote the well-being of the child in his or her home setting, whenever possible."
- POLICY: The policy of the Department is to implement the spirit of the Child Abuse and Neglect Act by actively investigating all allegations of abuse and neglect and providing such information obtained to the appropriate city, county, and state social agencies.
- DEFINITIONS: Abuse - Any physical injury inflicted on a child by other than accidental means, or sexual intercourse or sexual contact under s. 940.225(2). In this paragraph, "physical injury" includes but is not limited to severe bruising, lacerations, fractured bones, burns, internal injuries or any injury constituting great bodily harm under s.939.22 (14).
- Child - Any person under 18 years of age
- County Agency - County child welfare agency as defined in s.48.56 (1).
- Neglected Child - Child whose parent, guardian, legal custodian or other person exercising temporary or permanent control over the child neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.
- PERSONS REQUIRED TO REPORT CASES: A physician, coroner, medical examiner, nurse, dentist, chiropractor, or any other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, child care worker in any day care center or child caring institution or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected shall report as provided in section "Procedures." Any other person having reason to believe that a child has been abused or neglected may make such a report. No person making a report under this section may be discharged from employment for so doing.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 171.10

CHILD ABUSE AND NEGLECT			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 4

- INITIAL REPORT: Persons required to report under the section "Persons Required to Report Cases" shall immediately contact, by telephone or personally, the county agency, sheriff or city police department and shall inform the agency or department of the facts and circumstances contributing to a suspicion of child abuse or neglect. The sheriff or police department shall, within 24 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county agency all cases reported to it. The county agency may require that a subsequent report be made in writing.
- DUTIES OF LOCAL LAW ENFORCEMENT AGENCIES: Any person reporting suspected abuse or neglect of a child may request an immediate investigation by the sheriff or police department if the person has reason to believe that the child's health or safety is in immediate danger. Upon receiving such a request, the sheriff or police department shall immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take any necessary action to protect the child.
- If an investigation reveals sufficient evidence under s.48.19(1) (2)5 to establish reasonable cause to believe that any child's health or safety is in immediate danger, the investigating officer shall place the child in protective custody and deliver the child to the county agency.
- If the police or other law enforcement officials determine that criminal action is necessary, they shall refer the case to the district attorney for criminal prosecution.
- DUTY OF COUNTY AGENCIES: The county agency shall act in accordance with s.48.57. Within 24 hours of the receipt of an initial report of suspected child abuse or neglect, the county agency shall commence an appropriate and thorough investigation to determine whether the report is "indicated" or "unfounded." The complete investigation shall, if possible, include a visit to the child's home or usual place of abode, observation of the child and an interview with the child and the child's parents or custodians.
- Additionally, within 72 hours after receipt of an initial report, the county agency shall complete and forward to the department a preliminary investigative report containing the name, address, age, and sex of each child involved and the type of abuse or neglect suspected. The preliminary report shall not contain any information which identifies any person other than the child.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 171.10



CHILD ABUSE AND NEGLECT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 4

DUTY OF  
COUNTY

AGENCIES, cont. : At investigative report shall be classified as "indicated" or "unfounded." A finding of "indicated" for child abuse reports shall be supported by a preponderance of the evidence available to the agency; a finding of "indicated" for neglect reports shall be supported by a clear and convincing preponderance of the evidence available to the agency. Whenever there is less than the required standard of evidence indicating child abuse or neglect, the report shall be classified as "unfounded." The county agency director or his or her designee shall review and approve the investigative report prior to transmitting the report to the central registry. The person reviewing and approving the report shall not have participated in investigating the suspected abuse or neglect. A report shall not be classified "indicated" solely because of the child's parent, or another person exercising temporary or permanent control over the child's care, in good faith selects and depends upon spiritual means or prayer for treatment or cure of disease or for remedial care of the child. This section does not preclude a court from ordering that medical services be provided for the child, if the child's health requires it. Reports classified as "indicated" shall include a description of the services being provided to the child and those responsible for his or her care, as well as all relevant dispositional information, and shall be updated at 6-month intervals. The agency shall make findings as required under this section, no later than 60 days after receipt of an initial report, and shall immediately transmit the investigative report to the central registry.

After transmitting its investigative report to the central registry, the agency shall destroy its reports concerning cases of child abuse or neglect classified as unfounded.

The county agency may hold temporary physical custody of a child delivered under this section for 24 hours, or a longer period as necessary, not to exceed 72 hours, if the custody period extends over a weekend or holiday and shall immediately notify the parent, guardian or legal custodian and the juvenile court that it is holding the child in physical custody. Within the time period specified, the agency shall either apply to the court for emergency legal custody under s.48.19(1)(c) or return the child to the parent or guardian. The application shall not be considered binding in any other proceeding relating to child abuse or neglect or termination of parental rights or in any criminal child abuse or neglect prosecution.

SUPERIOR POLICE DEPARTMENT

PATROL GUIDE

PROCEDURE No. 171.10



CHILD ABUSE AND NEGLECT			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 4

DUTY OF  
COUNTY

AGENCIES, cont.: The county agency shall take necessary steps to protect other children in the home.

The investigator shall inform any person required to report suspected cases of child abuse or neglect that the report was unfounded or that steps were taken to protect the health and welfare of a child who is the subject of a report made by the person. At least one contact shall be made under this section within 60 days after receipt of the initial report by the agency.

The county agency shall cooperate with law enforcement officials, courts of competent jurisdiction and other human service agencies to prevent, identify and treat child abuse and neglect. To the extent possible, the county agency shall coordinate the development and provision of services to children found to be abused or neglected under this section.

The county agency shall forward a copy of its investigative report of alleged child abuse or neglect alleging that a child's safety is endangered, classified as "indicated" or "unfounded," to the central registry.

INDEPENDENT  
INVESTIGATION:

If an agent of an investigating agency is the subject of the initial report, an independent investigation shall be conducted by the department or by another agency designated by the department.

SUPERIOR POLICE DEPARTMENT

171.15

## INTERDEPARTMENTAL REPORT OF CHILD ABUSE (ILLUSTRATION)

DATE \_\_\_\_\_ TIME OF DAY \_\_\_\_\_ AM \_\_\_\_\_ PM \_\_\_\_\_

COMPLAINANT \_\_\_\_\_ OCCUPATION \_\_\_\_\_ PHONE \_\_\_\_\_

SOURCE OF COMPLAINANT'S INFORMATION \_\_\_\_\_

NAME OF VICTIM(S) 1. \_\_\_\_\_ D.O.B. \_\_\_\_\_

2. \_\_\_\_\_ D.O.B. \_\_\_\_\_

3. \_\_\_\_\_ D.O.B. \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_ SCHOOL \_\_\_\_\_

DATE OF ABUSE \_\_\_\_\_ PLACE OF ABUSE \_\_\_\_\_

HOSPITAL OR OFFICE EXAM \_\_\_\_\_ NAME AND ADDRESS \_\_\_\_\_

PHYSICIAN IN ATTENDANCE \_\_\_\_\_

ABUSER'S NAME \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

ABUSER'S ADDRESS \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_

DOES ABUSER OR SPOUSE HAVE PREVIOUS POLICE RECORD? \_\_\_\_\_ IF SO, ATTACH COPY

FATHER'S NAME AND ADDRESS \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

MOTHER'S MAIDEN NAME & PRESENT ADDRESS \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

OCCUPATION: FATHER \_\_\_\_\_ MOTHER \_\_\_\_\_

IS FAMILY KNOWN TO ANY AGENCY? \_\_\_\_\_ NAME OF AGENCY \_\_\_\_\_

SIBLINGS: NAME: 1. \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

2. \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

3. \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

OTHER RELATIVES IN HOME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_

UNRELATED PERSONS LIVING IN HOME \_\_\_\_\_

INVESTIGATION: (INCLUDE NAMES, ADDRESSES, PHONE NO. OF WITNESSES) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COPIES TO: County Department of Social Services, County Sheriff's Department or City Police

IF EMERGENCY CARE AWAY FROM HOME IS NEEDED, TELEPHONE ONE OF THOSE PERSONS AUTHORIZED TO  
ISSUE DETENTION ORDERS.

(Use backside or attach additional pages as required.)



## PATROL GUIDE

PROCEDURE No. 180.10

PURSUIT DRIVING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 6

## PURPOSE:

The purpose of this issuance is to establish the department's procedure regarding pursuit driving by officers of the force.

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 guidelines in this section; 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.

## REFERENCES:

Wisconsin Motor Vehicle Code 346.03

## POLICY:

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.

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.

## GENERAL:

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.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.10

PURSUIT DRIVING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 6

- GENERAL, cont.:
- 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 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.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.10

PURSUIT DRIVING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 3 of 6

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.

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 in his responsibility.

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

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 is his duty to avoid contributing to the danger already created by the violating motorist.

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.

### PROCEDURE:

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.

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No.180.10

PURSUIT DRIVING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 4 of 6

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.

When safe to do so, the pursuing officer shall maintain steady communications 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 should not become engaged in pursuit situations, unless the circumstances warrant immediate attention, in life threatening situations.

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 squad ignition keys, and quickly check the violator's vehicle for other occupants who may have hidden.

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.

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 should be avoided, except as necessitated at roadblocks and in circumstances where the use of deadly force is authorized.



PATROL GUIDE

PROCEDURE No. 180.10

PURSUIT DRIVING			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 5 of 6

In order to avoid being arrested, many motorists will take imperiling chances. 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 succeffsfully apprehend every motorist he decides to stop.

USE OF FIREARMS IN PURSUIT: Refer to Use of Deadly Force Policy

USE OF ROADBLOCKS: 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 thatinnocent persons would be endangered.

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.

WHEN TO ABANDON CHASE: The pursuing officer must at all times use his best judgement 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.



## PATROL GUIDE

PROCEDURE No. 180.10

PURSUIT DRIVING			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		6 of 6

### CRIMES IN PROGRESS:

When responding to crimes in progress in which the officer believes that the audible siren may alert the suspect(s) of their approach, the officer may, with due caution, proceed to the scene with the red lights on. The officer must obey all traffic control signals and then proceed at a moderate speed. At red stop lights, the officer shall stop for the light, wait for the lane to clear, and then proceed with caution.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.20

FIRE			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

PURPOSE: To protect life and property and assist the Fire Department

PROCEDURE: Upon arriving at the scene of a fire:

MEMBER OF  
THE FORCE:

1. Send an alarm or make sure one has been sent.
2. Direct responsible person to remain at alarm box to direct fire apparatus if fire is not in view.
3. Park squad car to prevent interference with fire fighting operation.
4. Warn and assist occupants in evacuation of building
5. Take other action required by situation.

### UPON ARRIVAL OF FIRE APPARATUS:

6. Establish police lines beyond the fire apparatus and hydrants in use.
  - a. Establish police lines behind the building beyond fire operations, if necessary.

PATROL  
SERGEANT:

1. Supervise members of the force
  - a. Notify Shift Commander if fire is suspicious and request detectives concerned.
  - b. Request barricades and support services when necessary.

MEMBER OF  
THE FORCE:

1. Permit only the following persons or vehicles to enter fire lines:
  - a. Members of governmental agencies in performance of duty
  - b. Employees and vehicles of public service corporations in the performance of emergency duties
  - c. Persons holding unexpired:
    1. working press cards
    2. fire line cards
  - d. Police and Fire Department vehicles
  - e. Ambulances
  - f. City agency vehicles for duty in connection with the fire
  - g. U. S. mail vehicles
  - h. In the performance of emergency duties, tow and service vehicles
  - i. Auxiliary police service personnel and vehicles
  - j. Any other authorized vehicles or persons

SUPERIOR POLICE DEPARTMENT





# PATROL GUIDE

PROCEDURE No. 180.20

FIRE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

MEMBER  
OF THE  
FORCE:

Record following information in the Incident Report:

- Time and date of fire
- Part of premises in which fire occurred
- Type of building and number of stories
- Address of building
- Name and address of building owner
- Name and address of premises occupant
- Number of persons injured, if any
- Cause of fire, extent of damage, and any suspicion of arson (obtained from fire officer in charge)
- Any dangerous condition resulting from the fire.

SUPERIOR POLICE DEPARTMENT



# PATROL GUIDE

PROCEDURE No. 180.30

AIDED CASES - GENERAL			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

PURPOSE: To render necessary aid, take corrective or summary action and prepare the prescribed forms.

DEFINITION: AIDED CASE: Any occurrence coming to the attention of a member of the department which requires that a person, other than a prisoner, receive medical aid or assistance including:

- Sick or injured
- Dead
- Lost person
- Mentally ill
- An abandoned, destitute, abused or neglected child

## ROUTINE SICK AT HOME:

- Is conscious and properly identified
- No other police service or notification is required
- No dependent adults or uncared for children are in household
- No other investigation is needed
- Ascertain ambulance has arrived, assist personnel and then resume patrol.

PROCEDURE: Upon arrival at the scene of an aided incident:

MEMBER OF

- THE DEPARTMENT:
- Render reasonable aid to sick or injured person
  - Request an ambulance or doctor, if necessary.
    - If not assigned to patrol, request Communications Center to dispatch patrol unit concerned
    - If aided person is wearing an emergency identification emblem indicating diabetes, heart disease, etc., bring it to the attention of the ambulance attendant. Emblem will not be removed.
    - If medication is known, notify ambulance attendant.
  - Wait in view to direct the ambulance or have some responsible person do so.
  - Obtain names and addresses of relative or friend for notification.

SHIFT

- COMMANDER:
- Cause notification to be made if aided dies.

SUPERIOR POLICE DEPARTMENT



PATROL GUIDE

PROCEDURE No. 180.35



DEAD HUMAN BODY - GENERAL PROCEDURES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		1 of 2

- PURPOSE: To assure the proper disposal of a D.O.A., preserve evidence and insure prompt notification to concerned persons.
- DEFINITION: D.O.A. - A human being pronounced dead by a doctor or ambulance attendant. (When a doctor is not present to pronounce death, and any doubt exists, remove the aided person to the nearest hospital or call for a doctor)
- PROCEDURE: Upon discovery of an apparent D.O.A.:
- 1. Call for ambulance and notify the Communication Center.
    - a. Caution doctor or ambulance attendant not to destroy evidence when examining body, if a homicide
    - b. Prevent any person from disturbing body except:
      - 1. Coroner or his designate
      - 2. District Attorney or his representative
      - 3. Members of the Detective Bureau or investigating officer
  - 2. Obtain identity and complete description including clothing and ascertain facts relating to case.
  - 3. Notify Shift Commander if necessary
  - 4. Call for Patrol Sergeant
  - 5. Obtain identity of witnesses
    - a. Detain witnesses if death is suspicious
  - 6. Safeguard body and effects until instructions received from competent authority.
  - 7. Prepare incident report
    - a. Enter name of doctor or ambulance attendant who pronounced individual dead.
  - 8. If body has to be removed, chalk and photograph body before removal, if death appears at all suspicious.
- SHIFT COMMANDER:
- 1. Notify Coroner of all facts
    - a. Keep Coroner informed of developments.
    - b. Make follow-up call to Coroner if he does not arrive at scene within the hour.
  - 2. Direct preparation of Incident Report and forward to the Detective Bureau.
- NOTE: When the deceased is properly identified, certified by Coroner as having died from natural causes and the body has been released, the original Incident Report shall be completed and closed out.

PATROL GUIDE

PROCEDURE No. 180.35



DEAD HUMAN BODY - GENERAL PROCEDURES			
DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
08 Sept. 1980	15 Sept. 1980		2 of 2

- COMMUNICATION CENTER:
- 1. Notify Shift Commander if homicide or unusual death.
- SHIFT COMMANDER:
- 1. Notify Coast Guard and appropriate agencies if body is removed from navigable waters.
- PATROL SERGEANT:
- 1. Direct and supervise search of body and effects at scene in presence of witnesses:
    - a. If deceased lived alone or died in a public place
    - b. If subject is pronounced dead at hospital, search is made by hospital personnel. Accompanying patrolman will witness search, make a list of property, and sign hospital property sheets as witness.
  - 2. Assign patrolman to guard body and effects
  - 3. Direct reporting patrolman to take property to station
    - a. Do not take clothing deceased is wearing, unless needed as evidence.
    - b. Secure residence if deceased lived alone.
- MEMBER OF THE DEPARTMENT:
- 1. Record list of property
  - 2. Deliver property to Shift Commander, with itemized list
- SHIFT COMMANDER:
- 1. Check property against list
  - 2. Enter listing of property and circumstances in Incident Report
- SAFEGUARDING PATROLMAN:
- 1. Remain with body until directed by Coroner to release to undertaker.



## PATROL GUIDE

PROCEDURE No. 180.40

PERSON THREATENING TO JUMP FROM STRUCTURE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

- PURPOSE:** To prevent persons from jumping from structures.
- PROCEDURE:** Upon arriving at a location where a person is threatening to jump from a structure:
- MEMBER OF THE FORCE:**
1. Notify Communications Center and request the Fire Department, Coast Guard, or appropriate support agency.
  2. Attempt to persuade or prevent person from jumping.
  3. Seek assistance of person's relatives, friends, clergyman.
  4. Confine the person to side of building facing street, if possible.
  5. Secure area below and prevent unauthorized personnel from entering area.
- COMMUNICATIONS CENTER:**
1. Notify Patrol Sergeant and Shift Commander
- PATROL SERGEANT:**
1. Supervise the life prevention sequence
  2. Notify Fire Department, Coast Guard, or appropriate support agency.
  3. Determine whether an emergency detention is required and proceed accordingly.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.45

LABOR DISPUTE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

- PURPOSE:** To preserve the peace and protect life and property at the scene of a strike or labor dispute.
- PROCEDURE:** Upon arriving at the scene of a strike or labor dispute:
- MEMBER OF FORCE:**
1. Take action to preserve the peace and prevent the destruction of property.
  2. Call for superior officer on patrol.
  3. Notify Shift Commander
- PATROL SERGEANT:**
4. Respond to location
  5. Interview, separately, a management representative and union representative and obtain information for the Incident Report.
  6. Advise the management and union representatives that:
    - a. Force or violence will not be tolerated.
    - b. The law will be enforced impartially.
    - c. Right of the public to use streets and sidewalks will be protected.
    - d. Striking employees may conduct orderly picketing in accordance with conditions at the location.
    - e. The number of pickets permitted will be designated by the Shift Commander.
    - f. Professional agitators and the use of language offensive to public decency will not be permitted.
  7. Telephone the Shift Commander for immediate assignment of personnel, if required.
  8. Photograph the area and the individuals involved.
- SHIFT COMMANDER:**
- Determine personnel requirements.
- a. If the dispute involves a large plant and a considerable number of employees, obtain the following information:
    1. Location and size of plant
    2. Location of entrances, exits, loading platforms, etc.
    3. Employees' arrivals and departure times
    4. Entrances and exits used by employees
    5. Time of employees' meal periods and location of premises where meals taken
    6. Transit facilities, parking lots and routes used by employees
    7. Times merchandise is shipped or received
    8. Other locations which may be affected by dispute
    9. Special hazards or conditions affecting police duty

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.45

LABOR DISPUTE			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

### PATROL

SERGEANT: Set up temporary headquarters if conditions require

### SHIFT

COMMANDER: Make assignments needed from police force personnel, if available, or call up additional personnel.

Notify Communication Center

### NOTE:

Facilities of management or labor are not to be used as a temporary headquarters.

Police department personnel will not utilize their uniform or position to work in a private capacity for either management or labor during a labor dispute, unless so authorized by the Chief of Police.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.50

BASIC RULES GOVERNING TESTIMONY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

### BASIC RULES:

The following basic rules shall be adhered to by members taking the witness stand:

- Tell the truth.
- Tell your story in your own way.
- Speak clearly, slowly and loud enough to be heard anywhere in the courtroom.
- Do not answer questions until you clearly understand them.
- Quickly correct any mistakes you make in your testimony.
- Never look at your feet, the ceiling or out the window.
- In testifying before a jury, answer your questions by dividing your attention between the jury and the person asking the question.
- Look at the person asking the question (attorney, judge, or defendant) directly in the eye.
- In testifying before the judge alone, divide your attention between the judge and the questioning party.
- Be respectful to both parties involved as you are a representative of their government, testifying as an officer of the court.
- Do not in any way allow the judge or the jury to feel that you consider the defendant or the defense counsel as "enemies" or as persons toward whom scorn should be directed.
- State answers as briefly as possible.
- Do not volunteer information.
- Do not distort or conceal any facts whatsoever.
- Sit erect in the witness stand with hands comfortable in your lap or at your sides. Do not slouch, fidget, or cross your arms across your chest.
- Take and leave the witness stand in the most dignified and confident manner possible.
- Never lose your temper, your confidence, or the control of your tongue on the witness stand, for in doing so, you bring disrespect upon yourself and the entire department.
- Do not try to be humorous, sarcastic, or satirical on the witness stand. Be dignified, courteous, and fair.

### PREPARATION:

Whenever members find it necessary to make an arrest, they shall immediately begin their preparation for trial. In this regard, the following rules should be observed:

- After giving a suspect his legal warning, encourage the arrested person to talk as much as he wants to about the circumstances leading to his arrest.
- Make mental notes of everything he says and as soon after you have finished your business with him, copy down everything he said or did which might have any bearing on the case, such as:
  - Inconsistencies in his story
  - Remarks such as "I know what I did wrong, but..." and "I sure learned my lesson."

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.50

BASIC RULES GOVERNING TESTIMONY			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

3. His physical appearance and reactions: glassy eyes, thick tongue, strong odor of liquor on his breath, staggered, swayed, gasped for breath, etc.
  4. Attitude toward arrest: resistance or argument, belligerent and abusive or uncooperative.
  5. A "confession" of his wrongful act.
- c. If you are doubtful as to how to present something you feel is relevant to the case, discuss the matter with the District Attorney or prosecutor before the trial and seek his advice.
- d. Refresh your memory on a case ahead of time. Re-read the report and your own personal notes (which are also subpoenaable in court). Remember time, date, and area of assignment.

### GENERAL CONDUCT IN COURTROOM:

Members shall conduct themselves like dignified persons at all times.

Do not slouch in your chair while waiting to testify or continually move about the courtroom.

Do not engage in loud conversation or horseplay before or after court is in session.

### ATTIRE:

Uniform of the day or conservative neat clothing

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.55

TRANSPORTING PRISONERS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 2

### PURPOSE AND GENERAL POLICY:

This policy contains the minimum necessary provisions to achieve the safe and expedient return or transfer of a prisoner. It applies to adult, juvenile, male, and female prisoners. Officers may, if necessary, take additional precautionary measures (such as additional restraints)

Officers transporting a prisoner will not become involved in any other law enforcement action, unless that action is of an emergency nature and requires immediate attention by the officer. Otherwise, the officer is to advise the Communications Center of observed violations and situations.

### PROCEDURE:

To lessen the prisoner's desire to resist or escape, the officer should obtain both a psychological and physical advantage over him. This is not license for rough treatment of the prisoner. Transportation should be carried out with as little public display as possible.

### USE OF RESTRAINTS:

See Section of "Use of Force."

### TRANSPORTATION TO COURT:

All prisoners transferred to court will be handcuffed for protection. When there are in excess of four prisoners, then additional officers will be utilized. If the prisoner is to be lodged upon return, then he will be also handcuffed.

### SECURITY AND PLANNING:

The prisoner should be kept in sight at all times. When transporting a prisoner for a medical or dental examination, the officer will accompany the prisoner to the room where he is to be treated and will either stay in that room or just outside of it, keeping the prisoner in view. Exits should be checked to see what escape routes are available.

Planning can minimize potential opportunities for escape or for the prisoner to obtain items which could be used as weapons. If a trip involves more than one day of travel, arrangements should be made to secure the prisoner in a jail or other secure detention facility overnight. Plans made for a trip, including expected arrival times, should be kept confidential. Under no circumstances should the prisoner be informed in advance of the details of any plans.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.55

TRANSPORTING PRISONERS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 2 of 2

### SECURITY AND PLANNING, cont. :

At no time will an officer turn over control of a prisoner to anyone other than another law enforcement officer. If a conflict with medical personnel occurs, the prisoner is to be returned to jail without treatment.

### TRANSPORTATION FROM THE SCENE OF AN ARREST:

When transporting persons already in custody, the use of the patrol vehicle with protective screening between the prisoner's area and the front seat is mandatory.

If it becomes necessary to transport suspects to the station in other than a standard screened patrol car, the officer should contact the dispatcher to send another officer to assist in transporting the person who has been arrested.

The dispatcher should be informed when an arrest is made, location, number in custody, and nature of arrest. Also, include any vehicle description and license number.

When transporting a member of the opposite sex, the beginning and ending time and mileage shall be relayed to the Communication Center.

### ESCAPE:

If a prisoner escapes while being transported, the officer in charge should exhaust resources immediately available to him in apprehending the prisoner, and then should take immediate action to contact the Department. Notifications should include a summary of circumstances surrounding the escape, and a complete description of the escapee and any other information that may be helpful in conducting a search.

### NOTE:

If a group of prisoners is being transported, supervision of other prisoners should not be substantially relaxed in order to pursue an escaping prisoner.

SUPERIOR POLICE DEPARTMENT



## PATROL GUIDE

PROCEDURE No. 180.60

CITY POLICE ACTION ON THE UNIVERSITY CAMPUS			
DATE ISSUED 08 Sept. 1980	DATE EFFECTIVE 15 Sept. 1980	REVISION NUMBER	PAGE 1 of 1

### POLICY:

State Statute 36.11(2)(a) gives local police authority to make arrests for violations of state law upon university campuses, along with campus police. Arrests for local ordinances cannot be made upon the campus. However, to maintain harmonious relations and lessen disruptions to the academic setting of the university, all police actions should filter through the Campus Security Department, unless there is an emergency. The Campus Security Department has a better knowledge of campus individuals and the physical layout of the campus and buildings.

The Campus Security Department routinely makes investigations of all crimes and incidents upon their campus that are reported to them. Copies of all of their reports are forwarded to the Superior Police Department. They will sometimes ask, and will need assistance from the Superior Police in investigations, disturbances, etc. The Campus Security personnel, with the exception of the Director, do not possess the power of arrest and will call the Superior Police to make arrests if necessary.

### PROCEDURE:

The Campus Security can be contacted by car radio through the Communications Center and are then able to communicate on the Superior Police frequency. The Campus Security should be notified of any calls for police service, emergency medical service, or fires upon the campus. They may also be of assistance to the Police Department, if they are notified of special radio bulletins such as attempts to locate, runaways, crimes near campus, traffic problems, unidentified college-aged individuals, etc.

### WARRANTS:

If a warrant is to be executed upon the campus, the Security Department should be notified in advance. Usually, they are able to assist in the execution with minimum disturbance to the university community. This also maximizes security for the Department officer who may be unfamiliar with the physical layout of the university.

### ADMINISTRATIVE ACTIONS:

On occasion, the university may institute an administrative action against a campus community individual in lieu of or in addition to criminal actions being pursued. In those instances, members of the Department may be called upon to testify.

### TESTIMONY:

If there may be a conflict of interest apparent in testifying, contact the Administrative Captain for instructions.

SUPERIOR POLICE DEPARTMENT

**CONTINUED**

**2 OF 3**

A	
Abused (Child)	171.10 and 171.15
Accident Reports (City Vehicle)	114.20
Activities (Restricted)	114.30
Appearance (Personal)	115.21
Arrested (Department Members)	113.20
Arrests	130.10
Arrests (Selective Enforcement and Delay)	130.42
Arrests (Warrants)	130.40
Arrests (Without Warrants)	130.41
Attorney (Recommending Prohibited)	114.30

B	
Badges (Exchanges, Loss, etc.)	114.30
Batons	120.10
Beards	115.21
Behavior (Officers)	114.10
Bondsman (Recommending Prohibited)	114.30
Bribe Offers	114.20
Bulletins	110.10

C	
Campus Activities	180.60
Chain Of Command	111.10
Chain Of Custody (Evidence)	130.51
Child Abuse	171.10 and 171.15
Child Neglect	171.10 and 171.15
Civil Cases (Testimony)	114.30
Code Three Driving	180.10
Communications (Proper Radio)	114.30
Complaints (Civilian)	117.10
Conduct Of Officers	114.10 and 114.30
Consent Searches	130.20
Controlled Substances	130.70 and 130.71
Court Actions	114.30
Court Attendance	114.20
Court Procedures	180.50
Courtesy	115.10 and 115.15
Courtesy to Citizens	114.20
Crimes (Reporting)	114.20
Crime Scenes	130.525

D	
Dead Bodies	180.35
Deadly Force	120.10
Debts (Payment)	114.30
Desk Courtesy	115.10
Detention (Temporary)	130.10
Discharging Firearm	114.30
Discipline (Command)	112.10
Discipline (Penalties)	112.20
Dogs (Police)	120.20
Domestic Disturbances	140.10
Drinking On Duty	114.30
Driving (Pursuit)	180.10
Drugs	130.70 and 130.71
Duty Responsibilities	114.20

E	
Employment (Outside)	114.20
Equipment (Uniformity)	114.30
Equipment	115.20
Escaped Prisoners	180.55
Evidence (Processing)	130.50
Evidence (Removal From Evidence Lockers)	130.51 and 130.55

F	
False Reporting	114.30
Family Disturbances	140.10
Fires	180.20
Force	120.10
Force Report	120.15
Fresh Pursuit (Searches)	130.20
Frisk	130.10

G	
General Orders	110.10
Gifts (Prohibited)	114.30
Gratuity (Prohibited)	114.30

H	
Hair (Grooming)	115.21
Handcuffs	120.10
Headgear	115.20
Helmets	115.20
Hot Pursuit (Searches)	130.20
Housecleaning	114.20



I		
Identification Cards	114.20	
Illness (Reporting)	114.20	
Informants	130.10 and 130.41	
Injury (Reporting)	114.20	
Injured Persons	180.30	
Insubordination	114.10	
Interrogations (Department Members)	113.10	
Intoxication	114.30	
Investigations (Testifying)	114.20	
Investigations (Internal)	113.15	
J		
Jumping From Structure (Attempts)	180.40	
Juvenile Ordinance Violations	170.20, 170.21, and 170.22	
Juvenile Procedures	170.10	
Juvenile Traffic Offenders	170.10	
K		
K-9 (Patrol Dogs)	120.20	
L		
Labor Disputes	180.45	
Lawful Force	120.10	
Lawful Orders	114.10	
Locker Inspection	113.30	
M		
Mace	120.10	
Moustache	115.21	
N		
Narcotics	130.70 and 130.71	
Necessary Force	120.10	
Neglect (Child)	171.10 and 171.15	
News Media Relations	114.10	
News Media (Release of Information)	150.30	
News Media (Restricting Release Of Information)	150.10	
Nightstick	120.10	
Non-Deadly Force	120.10	

O		
Off-Duty Responsibility	114.20	
Orders (Written)	110.10	
Orders (Unlawful)	114.10	
Ordinance (Juvenile Violations)	170.20	
P		
Pistol (Lost)	115.25	
Policy Manual Committee	110.15	
Prisoners (Transporting)	180.55	
Privileges (Soliciting)	114.30	
Property (Lost Or Abandoned)	130.60	
Property (Loss Of City)	114.20	
Property (Reporting Lost Department)	115.30	
Property (Private)	114.20	
Property (Processing)	130.50	
Public Statements	114.30	
Pursuit Driving	180.10	
Q		
R		
Records (Juvenile)	150.20	
Records (Release Of Arrest/Conviction)	150.20 and 150.30	
Records (Release Form)	150.21 and 150.22	
Relief From Duty	113.40	
Report Writing	114.20	
Restraints	120.10	
Revolver (Lost)	115.25	
Road Blocks	180.10	
S		
Safeguarding Police Information	114.30	
Saluting	114.20	
Search Warrants	130.35	
Searches	130.10, 130.20 and 130.30	
Senior Officers	114.10	
Serving Public	114.10	
Shopping On Duty	114.30	
Sick Persons	180.30	
Sickness (Reporting)	114.20	
Sleeping On Duty	114.30	
Special Orders	110.10	
Stop And Frisk	130.10	
Suicides (Persons Threatening to Jump/Structures)	180.40	
Suits (Civil)	114.30	
Suspensions	113.40 and 113.50	

T  
Telephone Courtesy 115.15  
Testimony (Court) 180.50  
Transporting Prisoners 180.55

U  
Uniform Appearance 115.20 and 115.21  
Uniform (While Suspended) 114.30  
University Property (Police Action) 180.60  
Unlawful Orders 114.10  
Utterances (Public) 114.30

V  
Vehicles (City Restrictions) 114.30  
Vehicles (Inspected By Sergeant) 116.10  
Vehicle Maintenance/Equipment report 116.20  
Vehicles (Safeguarding In Police Custody) 130.575

W  
Warning Shots (Prohibited) 120.10  
Weapons (Use) 120.10  
Weapons (Department Approved) 120.10  
Weapons (Lost) 115.25

END