

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **PUBLIC SAFETY COMMITTEE**

DATE AND TIME: **MONDAY, OCTOBER 6, 2014** **5:30 p.m.**

LOCATION: **Germantown Village Hall Board Room**

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for discussion and action.
- II. **ROLL CALL:** Chairperson Hughes, Trustees Daniels, Miller and Warren.
- III. **PUBLIC COMMENT:** Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that there be a three minute time period, per person, with time extensions per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received. However, NO ACTION will be taken under public comments.
- IV. **APPROVAL OF MINUTES:** September 8, 2014 meeting
- V. **REPORTS:**
 - A. Police Department
 1. Monthly
 - B. Fire Department
 1. Monthly
 - C. Overtime Reports
 1. Police Department
 2. Fire Department
 - D. Policy Updates
 1. Fiscal Management/Agency Owned Property - Police Department
 2. Officer Involved Deaths - Police Department
 3. Jurisdiction – Police Department
 4. Law Enforcement Authority – Police Department
- VI. **UNFINISHED BUSINESS:**

VII. **NEW BUSINESS:**

- A. Fire Department Staffing
- B. Fire Department Purchase 2 Computers

VIII. **NEXT MEETING:** Set November 2014 Meeting Date and Time

IX. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

NOTICE is given that a majority of the Village Board may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

**MEETING MINUTES
PUBLIC SAFETY COMMITTEE MEETING
SEPTEMBER 8, 2014
GERMANTOWN VILLAGE HALL BOARD ROOM**

CALL: The meeting was called to order at 5:30 p.m. by Chairman Hughes.

ROLL CALL: Chairman Hughes, Trustees Daniels, Miller and Warren were present. Also present were Police Chief Hoell, Fire Chief Weiss, Deputy Fire Chief Maury and Communications Supervisor Schmidt.

PUBLIC COMMENT: no discussion.

APPROVAL OF MINUTES: a motion was made by Warren, seconded by Miller, to approve the minutes of the August 4, 2014 Public Safety Committee Meeting. Motion carried unanimously.

POLICE DEPARTMENT MONTHLY REPORT: Hoell reported that the numbers for traffic citations has decreased due to the expiration of the state grants for traffic patrol. He also advised that the numbers for thefts and arrests are up partially due to the more aggressive tactics of loss prevention in retail stores.

Hoell commented on recent departmental activities including his Wisconsin Chiefs of Police conference, the NAC night event which was well attended with various demonstrations, the ALS ice bucket challenge which the department participated in, and on the mass casualty drill in West Bend which focused on follow-through procedures after a shooting.

FIRE DEPARTMENT MONTHLY REPORT: Weiss reported that their staffed response time for the month was 6.15, unstaffed response time at 9.1. He noted there were 161 fire inspections, and they just started a Public Education/Customer Service Contacts item for their monthly report. He added their policy and procedure manual was in the process of being updated. Weiss also advised that the personnel covering for weekend staffing were keeping busy with cleaning, inspections and Knox Box inspections.

Weiss also reported on recent departmental activities which included participating at the police department's NAC Night event, the ALS ice bucket challenge, collection for MDA and the mass casualty drill in West Bend. He went over recent training events and noted that they are unable to burn in the burn building which was damaged about 4 years ago, and he would be addressing that in the budget process.

OVERTIME REPORTS - POLICE DEPARTMENT & FIRE DEPARTMENT: Hoell advised the rate of overtime is tracking normally for the year. Weiss stated the fire department numbers are skewed by the hours his personnel are putting in, he is working on ways to help reduce the overtime.

POLICY UPDATES: no discussion.

REQUEST FOR RECORDER AND PHONE SYSTEM REPLACEMENT - POLICE DEPARTMENT:

Communications Supervisor Schmidt stated the department was requesting to replace their recorder system which was a budgeted item, and were also requesting to replace the current phone system which was installed in 2003 and due for replacement in 2015. She advised that by leasing, both items could be acquired using the \$45,000 which was budgeted for the purchase of a new recorder system. Schmidt noted that leasing is a trend now for high cost items and allows the equipment to stay up to date. She explained that the leasing would be a 5-year lease agreement for the following:

Eventide Audio Recorder - lease proposal provided by General Communications, leasing service Eventide NexLog Recording System, lease cost of \$11,814.04 per year (\$984.50 month), and

Avaya IP Office IP PBX phone system - lease proposal provided by NorComm Unified Communications, leasing service Marlin Leasing, lease cost of \$7,979.16 per year (\$664.93 month).

Total cost of \$19,792.20 per year, will use the \$45,000 budgeted in account 40-521-570-8430 for the first 27 months of lease payments, remaining payments will be included in the operating budget for the remaining term of agreements.

Warren asked why the telephone system was due for replacement, Schmidt explained the current system was installed in 2003 and is not compatible with new technology including the new recorder system that is being requested.

A motion was made by Daniels, seconded by Warren, to forward this purchase request to Village Board with a recommendation of approval. Motion carried unanimously.

APPLICATION FOR AMENDMENT OF CLASS B FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE OUTSIDE PREMISES EXTENSION, GAMROTH'S KUHBURG JUNCTION, 20' X 30' TENT, BACKYARD AREA FOR OCTOBER 4, 2014 2PM - 10PM: Hughes noted that Kuhburg's was moving the date for this event which had been previously approved. Hoell stated the police department had no objections, Weiss stated the fire department had no objections.

A motion was made by Daniels, seconded by Miller, to forward this application to Village Board with a recommendation of approval. Motion carried unanimously.

NEXT MEETING: Hughes stated that next month's meeting would be held on Monday, October 6, 2014 at 5:30 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 5:54 p.m.

Recorded by,



Julie L. Barth
Secretary

V.C

Overtime Report for Police & Fire Departments

2014 Year to date through: 14-Sep-14

2014						2013			
Empl #	Employee Name	Total OT Hours Paid	Total Cost of OT Paid	Total OT Hrs to Comp	Time off Hours	Total OT Hours Paid	Total OT Hrs to Comp	ANNUAL Total of OT hours worked	ANNUAL Total OT to Pay
Police Dept									
90	Ball, Brian	48.50	2,432.03	30.75	46.13	5.00	159.75	164.75	250.73
92	Bloch, Ryan	82.50	4,136.96	12.00	18.00	260.25	39.38	299.63	13,050.24
141	Borden, Ray	24.50	1,263.83	39.50	59.25	58.00	219.75	277.75	2,991.93
115	Case, Robert	97.75	4,901.67	16.50	24.75	247.00	158.25	405.25	12,385.82
106	Eggers, Michael	5.50	306.65	0.00	0.00	22.50	0.00	22.50	1,254.49
91	Gonzalez, Jeff	84.50	4,237.25	23.00	34.50	268.00	17.25	285.25	13,438.86
101	Jones, Shawn	149.50	6,864.29	3.00	4.50	253.75	4.50	258.25	11,650.93
88	Laux, Kevin	15.25	764.71	41.08	61.63	40.50	108.75	149.25	2,030.87
142	Marten, Shawn	60.00	3,008.70	17.75	26.63	141.50	38.25	179.75	7,095.52
102	Mikulec, Dan	32.25	1,189.06	77.25	115.88	33.50	22.50	56.00	1,235.15
152	Miller, Timothy	113.50	5,691.46	11.50	17.25	362.25	46.50	408.75	18,165.03
86	Moschea, Daniel	118.00	5,917.11	33.00	49.50	162.50	83.25	245.75	8,148.56
138	Olson, Toni	123.50	6,370.75	41.50	62.25	129.25	142.50	271.75	6,667.36
96	Pierzchalski, David	36.50	1,830.29	114.75	172.13	72.00	235.50	307.50	3,610.44
98	Rechlicz, Justin	20.75	1,040.51	89.58	134.38	67.25	165.75	233.00	3,372.25
87	Schleis, Zachery	47.50	2,381.89	58.25	87.38	102.75	282.75	385.50	5,152.40
117	Schmitt, Penny	13.00	724.82	44.25	66.38	5.00	86.25	91.25	278.78
121	Schubert, Matthew	66.50	3,334.64	18.25	27.38	96.00	32.63	128.63	4,813.92
126	Showalter, Steve	1.00	50.15	40.00	60.00	0.00	91.50	91.50	0.00
128	Stieve, Jeffrey	0.00	0.00	11.25	16.88	0.00	53.25	53.25	0.00
93	Suedkamp, Adam	28.75	1,441.67	50.00	75.00	52.00	84.00	136.00	2,607.54
145	Theep, James	122.00	6,117.69	51.50	77.25	140.00	32.25	172.25	7,020.30
99	von Bereghy, Darren	193.75	7,143.56	29.75	44.63	45.00	33.38	78.38	1,659.15
Total Police			71,149.70					*	126,880.25
Annual Budget			95,000.00						95,000.00

State Aid Reimbursement	18,967.55	09.21.2014	Total year end actual = \$130,806.59	
Hunting/Concealed Carry Permit	400.00	09.21.2014	* (difference from report due to personnel changes)	
			2013 State Aid Reimb	\$22,980.10
			2013 'Hunting/Concealed Carry Permit	1,573.50

Note: Overtime hours to comp are reflected in regular wages

Fire Dept - Full Time									
*	523 Delain, John	437.00	13,817.94	6.00	9.00	275.25	0	275.25	8,013.90
*	563 Rossman, Craig	162.00	5,122.44	66.25	99.38	109.75	0	109.75	3,195.37
*	593 Smith, Steve	194.75	6,158.00	25.50	38.25	137.75	56.25	194	4,010.59
Fire Dept Regular Part-time									
		over 60				over 60			
		Hrs over 60	@ Reg Rate	Over 80 hrs	True OT cost	Hrs over 60	@ Reg Rate	Over 80 hrs	True OT Cost
**	625 Goetz, Steve	526.50	9,150.57	271.89	7,088.16	328.75	5,260.00	33.00	4,440.00
**	617 Hass, Thomas	1257.50	21,855.35	978.86	25,518.97	1407	22,512.00	445.50	22,902.00
**	575 Karpinski, Matthew	1779.00	30,919.02	1419.36	37,002.66	1680.25	26,884.00	848.75	32,526.00
**	609 Franke, Jeremy	1093.25	19,000.69	832.36	21,121.82	1066.5	17,064.00	311.50	21,182.10
					90,731.61				81,050.10

Effective July 24, 2013 - POC's over 53 hours/week

		Hrs over 53 2014 Cost		Overtime True Costs through: 14-Sep-14	
***	576 O'Shea, Vicky	51.00	3,123.82		
***	629 McCullough, Jim				
***	639 Rammel, Brian				
***	650 Harris, Tim	28.50	852.44		
***	653 Asmondy, Robert	28.25	887.33		
***	658 Silvis, Pete	17.75	557.53		
***	660 Schodron, Kevin				
***	669 Zemlicka-Retzlaff, Jake				
***	673 Neu, Jeremy	33.00	991.37		
	total POC overtime		6,412.49		
*	Full time, hours are over and above the 20 normal overtime hours reflected in their base wages				
**	Part time hours worked over and above 60 normal hours in two weeks. Some of which are paid at 1.5 times				

Total Fire Dept - OT wages paid through 09.14.14	122,242.48	177,320.07
Budget -- included within general wages		



POLICY & PROCEDURE

GERMANTOWN POLICE DEPARTMENT

SUBJECT: **FISCAL MANAGEMENT/AGENCY OWNED PROPERTY**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE:

NUMBER: 1.08

ISSUED: 08/21/2014

EFFECTIVE: 08/28/2014

☐ RESCINDS

☐ AMENDS

WILEAG 4TH EDITION

STANDARDS: 1.5.1, 1.5.2, 1.5.3,
1.5.4, 1.5.5

INDEX AS: Accounting System
Audits
Cash Handling Procedures
Fiscal Management
Inventory Control
Purchasing Procedures

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines for members of the Germantown Police Department relating to the accounting and fiscal control procedures as well as agency owned property.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. ACCOUNTING SYSTEM
- III. AUDITS
- IV. CASH
- V. INVENTORY CONTROL
- VI. PURCHASING

I. POLICY

- A. It is the policy of the Germantown Police Department that all of the Department's fiscal activity be conducted in a responsible, efficient, and effective manner. The Chief of Police has overall authority and responsibility of the fiscal management of the Department.

II. ACCOUNTING SYSTEM

- A. The Village of Germantown Treasurer's Office records and documents the flow of expenditures of all fiscal activity that affects the department's budget.
- B. The Treasurer's Office prepares monthly statements which include the following information:
 - 1. Initial appropriation for each account;
 - 2. Balances at the commencement of the monthly period;
 - 3. Expenditures and encumbrances made year-to-date; and
 - 4. Percent variance.
- C. Detail account listings from the Treasurer's Office are reviewed and analyzed in comparison with unofficial department records. The Chief of Police or the Chief's designee shall investigate any discrepancies.

III. AUDITS

- A. The fiscal activities of the Department shall be audited on an annual basis during the course of the annual audit of the Village of Germantown's fiscal activities.

IV. CASH HANDLING PROCEDURES

- A. All cash received by Department personnel at the Lobby window shall be placed in the cash register or locked in the safe and a receipt shall be given to the payee.
 - 1. Access to the cash register shall be limited to the Communications Supervisor, the Clerk Typist and Communications Officers.
 - 2. Access to the safe shall be limited to the Communications Supervisor, the Communications Officer designated as the Court Clerk and the Administrative Assistant.
- B. Cash received in the mail shall be given to the Communications Officer on duty, who will distribute the money as follows:
 - 1. Cash received for requests of public records and accident reports shall be processed by a Communications Officer, who will complete the request and deposit the cash or check into the cash register.

2. Cash for payment of parking tickets shall be processed by a Communications Officer. The Communications Officer shall record the payment in the Records Management System. The payment will be recorded into the cash register.
- C. A Dispatcher at the beginning of each shift shall balance the cash register.
- D. On a regular basis, the Clerk Typist will balance the cash register ledger and prepare a deposit bag.
1. The Clerk Typist will prepare the deposit paperwork. The paperwork and deposit will be forwarded to the Accounts Payable Clerk at Village Hall via Inter-Office Mail. In the absence of the Clerk Typist, the designated Communications Officer will prepare the necessary paperwork.
 2. A new ledger sheet and \$50.00 in the cash register will be established after each deposit.
 3. Cash drawers will be kept secure in the cash register.
- D. Department personnel may receive bond cash and/or credit card payment for the following:
1. Parking Citations issued by the Germantown Police Department.
 2. Bonds for warrants or charges issued by the Germantown Police Department or warrants issued by another law enforcement agency.
 3. Any miscellaneous receipts of money such as parking permits, bicycle licenses, fingerprint requests, etc.
 4. Credit Card payments will be processed through a contracted credit card processing company and directly deposited into the appropriate account.
 - a) A copy of all credit card transaction receipts will be forwarded to the Finance Department.
 - b) A Communications Officer will reconcile all credit card payments and verify entry into the Records Management System when applicable.
- E. Bond cash shall be placed inside a Germantown Police Bond Envelope along with the original receipt. One carbon copy of the receipt shall be given to the payee and one copy shall be kept on file in the Records Division.
1. The bond envelope shall be placed inside the safe.
 - a) The Communications Officer assigned as Court Clerk shall distribute Germantown Police Department bonds and citation fines to the appropriate court office or agency.

- b) The Communications Officer assigned as Court Clerk will deposit cash collected. Funds are disbursed by the issuance of an electronic funds transfer check to the appropriate jurisdiction for the bond amount. The name of the Defendant and the case and/or citation number is noted on the memo line. Funds forwarded to the Washington County Clerk of Courts require a paper check and a copy of the bond form be mailed to them.
- F. Petty cash may only be authorized by the Chief of Police or the Chief's designee. Cash will be disbursed from petty cash, in exchange for a petty cash voucher signed by the Chief of Police or the Chief's designee. The voucher will indicate the date, reason for the expense, the budget account number to be charged, and the amount.

V. INVENTORY CONTROL

- A. The Captain of Operations, or the Captain's designee, shall be responsible for conducting an annual inventory of Department equipment and property. The inventory shall be concluded by the end of each calendar year. The inventory will include:
 - 1. Department equipment and property in general use by the agency, including:
 - a) Computers
 - b) Printers
 - c) Cameras
 - d) Shotguns
 - e) Radar Units
 - f) Police Bicycles
 - g) Vehicles
 - 2. Department equipment issued to and used by individuals including:
 - a) Firearm(s)
 - b) Handcuffs
 - c) Flashlight
 - d) Portable Radio
 - e) Chemical Spray
 - f) Body Armor
- B. Department records shall be maintained for assigned Department property whether for short or long term duration.
- C. Each employee of the Department shall be responsible for all property issued and assigned.
- D. Any lost, damaged, or stolen property must be reported to a ranking officer as soon as practical.

VI. PURCHASING PROCEDURES

- A. For all purchases under \$1,000, the procedures outlined in the Village of Germantown's Administrative Policy shall be followed.
 - 1. Employees other than the Chief of Police or the Chief's designee may request to make a purchase under \$1000.00 after advising the Chief of the need for the request.
 - 2. Receipts of the purchase shall be forwarded to the Chief's Office with the officer's signature on the invoice and an explanation of the product noted on the invoice if needed.
 - 3. Emergency purchases up to \$50.00 may be made without the Chief's approval and shall be accompanied by a memo explaining the urgent need for the purchase.
 - 4. For purchases that are unable to be charged, petty cash may be obtained with supervisory approval.
- B. For all purchases over \$1000, the Chief of Police or his/her designee will follow the procedures outlined in Village of Germantown Policy.

Peter G. Hoell
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 08/21/2014

GENERAL ORDER

GERMANTOWN POLICE DEPARTMENT

SUBJECT: **OFFICER INVOLVED DEATHS**

SCOPE: All Sworn Personnel

DISTRIBUTION: General Orders Manual

REFERENCE: WI State Statutes: 66.0313, 165.83(1)(b),
165.85(2)(c), 175.40, 175.47

NUMBER: 6.15

ISSUED: 09/12/2014

EFFECTIVE: 09/19/2014

☐ RESCINDS

☐ AMENDS

WILEAG 4TH EDITION

STANDARDS: 1.6.1, 1.6.2, 5.1.2,
5.2.1, 5.3.1, 5.3.2, 5.3.3, 6.2.7,
6.2.8, 6.3.8

INDEX AS: Deadly Force Incident Procedures
Legal Services
Officer Involved Deaths
Officer Involved Shooting Incident
Post-Traumatic Stress Disorder

PURPOSE: The purpose of this General Order is to provide guidelines for the sworn members of the Germantown Police Department for the investigation of all officer-involved deaths and other incidents where serious injury that may cause death has resulted from an officer's actions.

This General Order consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. INCIDENT PROCEDURES
- IV. AGENCY INVESTIGATIVE RESPONSIBILITIES
- V. POST-TRAUMATIC STRESS DISORDER
- VI. LEGAL SERVICES
- VII. ADMINISTRATIVE REVIEW

I. DEFINITIONS

- A. "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority. (165.83)(1)(b).
- B. "Law enforcement officer" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. (165.85)(2)(c).
- C. "Officer-involved death" means a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties. (174.47)(1)(c).
- D. "Lead Investigator" means the person or agency in charge of the investigation, which plays a principle, guiding role. The lead investigator must be responsible for the investigation and have hands-on leadership of the investigative duties. The lead investigator should, without limit:
 - 1. Direct the overall investigation and activities of others involved in the officer involved death.
 - 2. Coordinate with the lead officer/agency conducting any underlying criminal investigation of the event or events that lead to the officer involved death.
 - 3. Take possession of, or direct the collection of evidence.
 - 4. Take or direct the taking of statements of witnesses or interviews of law enforcement officers.
 - 5. Act as the primary (but not exclusive) contact with the prosecutor's office.

II. POLICY

- A. It is the policy of the Germantown Police Department to require that an investigation of any Officer-Involved Death or serious injury that may cause death be conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by the Germantown Police Department. The Chief or his/her designee, in compliance with statutory requirements, shall determine how to proceed in these investigations and what agencies shall be responsible for the criminal and internal investigation.

The Germantown Police Department will utilize other law enforcement agencies to investigate these incidents under mutual aid requests and will respond to assist other agencies by conducting these types of investigations for their agencies upon request, refer to General Order 1.09: Jurisdiction.

1. Pursuant to an agreement among Washington County law enforcement agencies, it will be the policy of the Germantown Police Department to request assistance with these officer-involved death incidents by requesting an investigative team from one of the following law enforcement agencies.
 - a. Washington County Sheriff's Department
 - b. West Bend Police Department
 - c. Hartford Police Department
 - d. Wisconsin Department of Criminal Investigations (and/or other agencies as determined by the Chief of Police or his/her designee).
2. Pursuant to an agreement among Washington County law enforcement agencies, the Germantown Police Department will respond to provide assistance to other agencies for officer-involved death incidents, refer to General Order 1.09: Jurisdiction.

The Germantown Police Department is able to provide assistance to other agencies in any of the following roles, upon request:

- a. Provide at least one detective trained as a death investigator to work with the investigative team.
 - b. Provide at least one detective/officer trained as an Evidence Technician to work with the investigative team.
 - c. Provide officers to assist with scene security.
 - d. Provide officers to assist with suspect security at medical facilities.
 - e. Provide officers to assist with other duties as required.
 3. Pursuant to an agreement among Washington County law enforcement agencies, the Chief/Sheriff of the requested investigating agency may request additional assistance or resources from other law enforcement agencies to complete their investigation of an officer-involved death involving Germantown Police Department personnel at his/her discretion.
- B. If the officer-involved death or serious injury that may cause death being investigated is traffic-related, it is the policy of the Germantown Police Department to utilize a crash reconstruction unit from an outside law enforcement

agency that does not employ the law enforcement officer involved in the officer-involved death being investigated.

- C. The Germantown Police Department reserves the right to conduct an internal investigation into the officer-involved death. However, any such internal investigation will not interfere with and must be independent from the investigation being conducted by the outside investigating agency.

III. INCIDENT PROCEDURES

- A. The following procedures shall be followed when an officer is involved in an incident where deadly force causes death or serious bodily injury either to the officer or another person.

The procedures shall also be followed when an officer is responsible for the accidental or intentional discharge of any firearm (other than on an approved firearms range, for legal hunting purposes, or for the humane disposal of a sick or injured animal), or the accidental or intentional use of deadly force by any means.

- B. The officer shall:

1. Determine if the scene/incident is now safe – no threat(s) still present.
2. Check self for injuries.
3. Check the subject for injuries and administer first aid if required and if the officer is physically capable of providing aid.
4. Summon EMS personnel if necessary.
5. Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate medical personnel.
6. Inform dispatch of the incident and relay information to responding officers regarding assistance needs, fleeing suspects, and witnesses.
7. Holster any handguns or secure in place as evidence. Secure long guns in squad or in place as evidence.
8. After the scene is made safe, refrain from tampering with, opening, clearing, or reloading any involved firearm.
9. Survey entire scene for relevant facts, additional suspects, witnesses, and vehicles.

- C. A supervisor shall be notified and summoned to the scene of the incident, and shall assume primary responsibility in caring for involved personnel.

1. If a supervisor is not on duty, one will be called in to take command of the incident.
2. If a supervisor is involved in the incident, a second supervisor will be called in to take command of the incident.

D. Responding officers/on duty supervisor shall:

1. Confirm the scene is safe to approach.
2. Relieve the officer involved in the incident from first aid responsibilities of tending to the injured subject(s) as soon as practical.
3. Confirm the steps in section III B 1-9 (Officer Responsibilities) have been adequately addressed or take immediate measures to correct any deficiencies in completing the outlined tasks.
4. Establish and secure a crime scene perimeter, limit access to authorized persons necessary to investigate the incident and assist the injured.
5. The supervisor will ask "public safety questions" on scene of the officer involved (due to the immediate need to take action, officers do not have a right to wait for legal or labor representation before answering these limited questions):
 - a) Are you injured?
 - b) Do you know if anyone else is injured? Where are they?
 - c) In what direction did you fire your weapon?
 - d) Are any suspects still at large? What are their descriptions?
 - e) What direction did they leave?
 - f) How long ago did they leave?
 - g) What crime(s) are they wanted for?
 - h) With what weapon(s) are they armed?
 - i) Does any evidence need to be preserved?
 - j) Where is it located?
 - k) Did you observe any witnesses?
 - l) Where are they?
6. Determine if the suspect(s) is still at large. Obtain a description and request personnel to initiate the search.

7. Establish a Command Post location and staging area for EMS and support units.
8. Identify and control evidence that could be lost. Ensure items of evidentiary value are not moved, or if moved, note the original position.
9. Identify, isolate and control witnesses and suspects.
10. Remove the officer involved in the incident as soon as possible.
11. Contact an investigator, request mutual aid, request additional resources as needed, etc.
12. Advise the Chief of Police of the incident. The Chief of Police or designee will arrange for an outside agency to conduct the investigation.
13. Also refer to General Order 13.05: Active Shooter for further information.

E. Removing the officer from the scene shall follow the following guidelines:

1. The primary investigators from another agency shall be in charge of the investigation and determine if the following is appropriate and the level of cooperation between them and this agency.
2. The officer involved shall be transported as soon as feasible to the hospital for evaluation.
 - a) Under no circumstances will an officer be placed in the rear seat of a squad car.
 - b) A supportive peer officer will be assigned to accompany and remain with the officer and provide assistance.
 - c) No officer will be held or isolated in any area without a peer support officer.
3. A supervisor will assign a support officer. The support officer will secure all equipment of the officer involved. The support officer will photograph the officer involved as he is before taking clothing for evidence purposes. The equipment shall be left in the identical condition as when it was secured. No weapon will be unloaded or changed in condition. The officer's weapon will be replaced with another when it is retained for evidence. A supervisor will be consulted as to whether the weapon is needed for evidence.
4. Arrange to have the officer involved contact family, clergy, and or legal counsel. Under no circumstances will an officer be placed in the rear seat of a squad car. No officer will be held or isolated in any area without a peer support officer.
5. The Chief of Police or designee shall, if feasible, go to the home of the officer involved making notification to family members and providing transportation to the hospital or other location as required.

If the officer involved is deceased or injured, every attempt will be made to make personal notification. Every effort will be made to assist family members and support persons with transportation.

6. Officers(s) involved should normally not be questioned at the hospital; they are there for medical evaluation.
 7. Officer(s) involved may be medicated or provided a sedative to bring down blood pressure, relax and sleep.
 8. Under no circumstances will officer's home or family information be given to the hospital. They will get the officer's name and the Germantown Police Department address.
 9. After medical evaluation and treatment (if required), the assigned support officer shall transport the officer to his/her home. Under no circumstances will the officer be permitted to drive him/herself home.
 10. The officer involved shall be placed on administrative leave or desk duty by the Chief of Police or designee during the investigation of the incident and or until such time as the incident investigation is completed.
 - a) The officer shall be available for interviews and statements regarding the incident and subject to recall to duty.
 11. Department members are encouraged to show the involved officer(s) their concern. They are not permitted to speak with the media about the incident or the officer.
 12. The officer should be advised to have phone calls answered by another person for several days after the incident if the officer's name is released to the public.
 13. The officer who discharges his/her firearm during a deadly force incident shall be required to re-qualify as soon as practical.
 14. The officer should be advised not to discuss the incident with anyone except a personal or department attorney, labor representative, medical professional, clergy, or assigned investigator, until the conclusion of the preliminary investigation. This does not prohibit the officer from discussing the incident with their spouse.
- F. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
- G. Any investigation of the incident shall be conducted as soon and as practical.

- H. The Chief or designee should brief other Department members as soon as possible concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
- I. Any officer directly involved in the deadly force incident shall be required to contact a Department designated specialist for counseling and evaluation as soon as practical after the incident at the cost of the Department. Involved support personnel should also be encouraged to contact such specialists after a deadly force incident. After the counseling sessions, the specialist shall discuss with the Chief:
 - 1. Whether it would be in the officer's best interest to be placed on administrative leave or desk duty, and for how long;
 - 2. What, if any will be the best continued course of counseling.
- J. The Department strongly encourages the family of the involved officer to take advantage of available counseling services.
- K. Removing the involved suspect from the scene shall be conducted in accordance with the following guidelines:
 - 1. If the suspect is injured:
 - a. Assign an officer to maintain custody of the suspect at all times, including at the hospital.
 - b. Ensure the suspect's clothing is collected as evidence.
 - 2. Locate any weapons, ammunition, expended cartridges and bullets.
 - a. Involved officer's weapons should be accounted for and remain secured for investigators.
 - b. Dropped weapons, bullets, ammunition, and expended cartridges shall be located and protected in place as evidence.
 - 3. Locate and secure any clothing or other property that may have been removed from the suspect(s), victim(s), or injured officer(s) by emergency medical personnel or others.
 - 4. Complete a preliminary diagram of the scene, attempting to determine the original positions of the officer(s) and the suspect(s) at the time of the shooting.
 - 5. Locate and secure officers' squad(s) and protect any video until a download can be facilitated.
 - 6. Gather information regarding the suspect, including identification, vehicles, residence, etc.

IV. OUTSIDE AGENCY INVESTIGATOR RESPONSIBILITIES

- A. Notify the District Attorney's Office of the incident.
- B. Perform the following activities (according to mutual agency Memorandums of Understanding):
 - 1. Investigators shall conduct a systematic, thorough, and complete investigation.
 - 2. Receive a general "walk-through" by the Germantown Police Department supervisor regarding the circumstances of the incident.
 - 3. If a death scene, contact the Medical Examiner and conduct a full death investigation, including attending any autopsies associated with the incident.
 - 4. Officer –Involved Interview(s): Unless evidence of a crime exists an officer is not considered a suspect and shall be treated as a victim or witness.
 - a) The officer is not in custody and will not be given Miranda warnings.
 - b) The officer will be interviewed by investigators and will not be required to submit a written report.
 - 5. Inform the District Attorney of the incident and request assistance in obtaining any needed search warrants for properties, residences, vehicles, or containers.
 - 6. Ensure the entire scene is documented via photographs, videotape, and a crime scene diagram.
 - 7. Ensure the proper collection of all items and substances of evidentiary value.
 - a) Check the weapons and ammunition of all officers present to determine if discharged.
 - b) Locate and secure into evidence any involved officers' weapons.
 - c) Weapons confiscated from officers shall be replaced as soon as practical.
 - 8. Process all collected evidence, including weapons, and transport to the Crime Lab if appropriate.
 - a) Ensure officers' toxicological testing is completed in a timely manner.
 - b) Locate, identify, and interview all witnesses to the incident, including involved medical personnel.
 - c) Locate, identify, and interview all suspects related to the incident.

9. Locate, identify, and conduct separate interviews of all officers related to the incident.
 - a) Interviews may be conducted at the department. Officer(s) will be advised of their legal right to seek counsel before statements are obtained.
 - b) Officers shall be reminded not to discuss the incident with anyone except their attorney, union representative, or department investigator until the conclusion of the preliminary investigation.
- C. Ensure that the case is to be presented to the District Attorney's Office at the earliest possible date.
- D. Prepare all reports regarding the investigation of the event.
 1. Release the report upon the decision of the District Attorney's Office.

V. POST-TRAUMATIC STRESS DISORDER

- A. As post-traumatic stress disorders may not arise immediately, or the officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of Department or shift members for symptoms of the disorder.
- B. The Chief of Police or designee may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.
- C. The Department shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this General Order.
- D. Supervisors are responsible for making available to Department members information about mental health services.
- E. The Department will make every effort to provide or make available secondary psychological services for the officer, and/or the officer's family, when an officer is involved in a deadly force incident involving injury or death.
 1. The purpose of this service will be to allow the officer to express his/her feelings and to deal with the moral/ethical and/or psychological after effects of the incident.
 2. The purpose of attempting to provide or make available this service to the family of the officer is to provide the officer and family with a source of professional consultation to aid them in dealing with the potential moral, ethical, and/or psychological after effects of the incident.
 3. Psychological service shall not be related to any Department investigation of the incident. The counseling sessions will remain protected by the privileged physician-patient relationship and no reports of the sessions or information discussed will be filed with the Department.

VI. LEGAL SERVICES

- A. The Department will make every effort to provide an attorney-at-law for any officer involved in a deadly force incident involving injury or death.
- B. The attorney, if provided, shall establish a lawyer-client relationship with the officer involved and interview the officer.
- C. The attorney may assist the officer in drafting the officer's personal statement or report as to the underlying facts and the reasonableness, as perceived by the officer, justifying the use of deadly force.
- D. Should the initial lawyer-client interview indicate that the officer has not acted lawfully, in good faith, or within the scope of his/her duties, the officer will be responsible from that point on for any attorney fees charged.

VII. ADMINISTRATIVE REVIEW

- A. An administrative review of the incident will be conducted by the Chief or designee, with the exception that the on-scene supervisor will not be responsible for conducting the review.
- B. The purpose of the review will be twofold: to determine whether the officer followed established policy, procedure and training, and to determine if any future policy, procedure or training recommendations are necessary.
- C. The administrative review will begin once the criminal investigation has been completed, unless directed otherwise by the Chief.
- D. If the District Attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation shall release the report.

VIII. INFORMATION AVAILABLE TO THE PUBLIC

- A. There are many factors which could affect the type of information that can be shared, at what stage in the investigation it can be shared, and with whom it can be shared. For example, if there was some type of incident or crime that led to the officer-involved death, those circumstances must be investigated. It may not be clear in the beginning stages of these investigations if a crime was committed and if so, by whom; or, if there are any victims who are entitled to special rights and services by statute.
- B. The agency that has custody of a record has a responsibility to determine, according to Wisconsin's public records law, whether a record is released entirely, released with redaction, or withheld. The release of information will be determined on a case-by-case basis.

C. If the district attorney determines there is no basis to charge the officer(s) with a crime after receiving the investigators' report of the officer-involved death, the investigators shall release the investigative report. (Wisconsin § 175.47(5)(b)).

1. The lead investigator with the responsibility to release the investigative report should do so through his or her agency's public information office/record's custodian to ensure compliance with Wisconsin's public records law.
2. The agency with custody of the report will determine what information is released, released with redaction, or withheld. This determination is made using the 'balancing test' which is a fact-intensive analysis that must be performed on a case-by-case basis in accordance with the agency's open records policy.
3. The records custodian must consider all relevant factors to determine whether permitting access to the record, or portions of the record, would result in harm to the public interest that outweighs the strong public interest in allowing access. (Wisconsin § 19.35(1)(a)).

Chief of Police

This General Order cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 09/12/2014



POLICY & PROCEDURE

GERMANTOWN POLICE DEPARTMENT

SUBJECT: **JURISDICTION**

SCOPE: All Department Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 66.0313, 175.40

NUMBER: 1.09

ISSUED: 09/24/2014

EFFECTIVE: 10/01/2014

☐ RESCINDS

☐ AMENDS

WILEAG 4TH EDITION

STANDARDS: 1.6.1, 1.6.2

INDEX AS: Agency Jurisdiction
Assisting Law Enforcement Agencies
Close Pursuit
Expander of Jurisdiction
Mutual Aid

PURPOSE: The purpose of this Policy & Procedure is to define the Germantown Police Department's jurisdiction, expander of jurisdiction, and mutual aid in relation to arrest authority; and set guidelines as to when an officer may assist other law enforcement agencies.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. GEOGRAPHICAL JURISDICTION
- IV. EXPANDER OF JURISDICTION
- V. MUTUAL AID

I. DEFINITIONS

- A. Emergency. Unless otherwise defined by statute, an emergency is any situation in which property or human life is in jeopardy and the assistance of law enforcement is necessary.
- B. Highway. Means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.

It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.

- C. Intersection. Means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- D. Law Enforcement Agency. Means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
- E. Law Enforcement Officer. Means any person who by virtue of the person's office or public employment is vested by law with the duty to maintain public order or to make arrests for crimes while acting within the scope of the person's authority.
- F. Mutual Assistance. Means situations where, upon the request of any law enforcement agency, including county law enforcement agencies, the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter's jurisdiction.
- G. Officer. The term "officer" as used herein means peace officer and/or law enforcement officer, as may be appropriate.
- H. Peace Officer. Means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes. "Peace officer" includes a commission warden.

II. POLICY

- A. It is the policy of the Germantown Police Department that all sworn personnel shall have arrest powers and authority within the Village limits.

By adopting this policy issued by the Chief of Police, Officers for the Village of Germantown shall have additional arrest powers and other authority specified herein.

- B. This Policy & Procedure is also subject to the procedures included in any written agreements with other agencies pertaining to mutual aid.

III. GEOGRAPHICAL JURISDICTION

- A. Officers of the Germantown Police Department are authorized to exercise police powers and perform duties in all areas within the corporate Village limits of Germantown, Washington County, Wisconsin. Officers must keep in mind that the geographic limits of the Village of Germantown may change periodically and officers are responsible for keeping abreast of such changes as the Department is notified and adjusting their patrol activities to accommodate annexations adjoining their assigned patrol areas.
- B. Wisconsin State Statute 175.40(4) states, "a peace officer whose boundary is a highway may enforce any law or ordinance that he or she is otherwise authorized to enforce by arrest or issuance of a citation on the entire width of such highway and on the entire intersection of such a highway and a highway located in an adjacent jurisdiction".
- C. Wisconsin State Statute 175.40(6) being adopted herein and gives authority to a peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in the State if the following criteria are met:
 - 1. The officer is on duty and on official business.
 - 2. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.
 - 3. The officer is acting to respond to any of the following
 - a) An emergency situation that poses a significant threat to life or of bodily harm.
 - b) Acts that an officer believes, on reasonable grounds, constitute a felony.
 - 4. An officer acting under this authority must immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the jurisdiction. The Shift Supervisor from the Germantown Police Department shall be notified by the quickest means and as soon as the circumstances allow for notification to be made safely.

IV. EXPANDER OF JURISDICTION

A. Wisconsin State Statutes 175.40 (6m), or Expander of Jurisdiction, being adopted herein and gives authority to an off duty peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in this State if the following criteria are met:

1. The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm, and
2. The officer is taking action that he or she would be authorized to take under the same circumstances in the officer's territorial jurisdiction.
3. An officer electing to take action under this section shall, consistent with the exigencies of the situation, attempt to weigh reasonable responses to the situation including maintaining cover and observation, contacting the local law enforcement agency or asking others to do so, and directly intervening in the incident. In addition, the officer shall verbally identify himself as a police officer to both responding officers of the local jurisdiction as well as to bystanders. Officers shall comply with the directions given by the responding officers of the local jurisdiction.
4. Any officer acting under the authority of this section shall immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken within said jurisdiction. In addition, the officer shall as soon as possible notify the Germantown Police Department's on-duty shift supervisor and apprise him/ her of the action taken by the officer while off duty and within another jurisdiction. The shift supervisor will then notify the Chief or his designee as soon as practical.

V. MUTUAL AID

A. The Department may provide assistance to other agencies when:

1. Any law enforcement officer is requesting immediate assistance for situations involving the threat of human life or serious bodily harm.
2. A law enforcement agency requests this Department's assistance for any emergency call. Officers should continue rendering such assistance until such time as the officer is released by the agency requesting assistance, or a ranking officer of this Department.

B. A full report of the incident generating the request for assistance should be made; this report should include, in addition to other information, details of the call, and by whom the request was made. In the absence of extraordinary circumstances, this report should be completed as soon as practical, but not later than twenty-four (24) hours from the completion of the mutual assistance assignment. (Depending on the nature of the incident and its severity, the details may, at times, be added to the incident via the mobile laptop terminal.)

- C. If any agency (law, human services, etc.) requests an officer to provide assistance, the officer should comply with the request, and should continue to provide assistance until relieved.

Nothing in this Subsection should be construed to limit the supervisory authority of the Chief of Police, or his/her designee.

- D. As with any Policy & Procedure, discretion should be used in considering a call for assistance. Officers will be expected to justify their actions.
- E. A peace officer outside of his/her jurisdiction may arrest a person or provide aid or assistance anywhere in the State of Wisconsin if the following criteria are met, both in cases where the crime is observed by the law enforcement official and in cases where the crime is not observed by a law enforcement officer, but that officer has probable cause for such arrest:
 - 1. The officer is on duty and on official businesses. If the officer is using a vehicle, the vehicle is an official police vehicle.
 - 2. The officer is taking an action that he/she would be authorized to take under the same circumstances in his/her own jurisdiction.
 - 3. The officer is acting to respond to any of the following:
 - a) An emergency situation that poses a significant threat to life or bodily harm.
 - b) Acts that the officer believes, on reasonable grounds, constitute a felony.
- F. Notification to another jurisdiction law enforcement agency.
 - 1. As soon as possible, officers for the Village of Germantown should notify the appropriate law enforcement agency having jurisdiction that the Germantown officers will be conducting official business in that jurisdiction.
 - 2. Officers should notify the appropriate law enforcement agency having jurisdiction when they have completed their business and will be leaving that agency's jurisdiction.
 - 3. In additions to the requirements specified in Subsection (A) above, officers may transport prisoners within another jurisdiction if they comply with the following:
 - a) If transportation of a prisoner requires travel into another jurisdiction, officers should first request assistance from that jurisdiction. Specifically, the officers should request that jurisdiction to transport the prisoner, either from the site of arrest or from some other mutually agreeable location.

- b) If assistance is not available, officers may transport the prisoner through and within that jurisdiction.

However, pursuant to the Attorney General's advisory letter, dated September 20, 2001, this authority is restricted to only apply to prisoners arrested by this Department; officers of this Department are *not* authorized to transport prisoners arrested by an agency in another jurisdiction, unless requested to do so under a mutual assistance request.

- G. Officers may not conduct investigations outside their jurisdiction unless requested to do so under a Mutual Assistance request, or under authority conferred by deputization, or after notification of the supervising officer in charge of the jurisdiction in which the investigation will be conducted. Officers may request said jurisdiction to assist & accompany with investigation when appropriate.
- H. Officers may only arrest a person outside the territorial jurisdiction of the Village of Germantown by employing one (1) or more of the following:
 - 1. Ask the person/suspect to come to the Police Department (consent).
 - 2. Apply to the District/Village Attorney for an arrest warrant.
 - 3. Pursuant to a mutual aid request for assistance from another jurisdiction.
 - 4. Where an officer is in "fresh pursuit", as follows:
 - a) An officer may, when in fresh pursuit, follow anywhere in the State of Wisconsin and arrest any person for the violation of any law or ordinance the officer is authorized to enforce.
 - b) The following criteria are used to determine when an officer is in fresh pursuit.
 - (1) The officer acts without unnecessary delay when deciding whether or not to begin a pursuit;
 - (2) The pursuit is continuous and uninterrupted, although there need not be continuous surveillance of the suspect;
 - (3) The relationship in time between the commission of the offense, the commencement of the pursuit, and the apprehension of the suspect shows that the circumstances were sufficiently exigent to justify an extraterritorial search.

Peter G. Hoell
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 09/24/2014



POLICY & PROCEDURE

GERMANTOWN POLICE DEPARTMENT

SUBJECT: **LAW ENFORCEMENT AUTHORITY**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statute: Chapter 941

NUMBER: 1.10
ISSUED: 09/24/2014
EFFECTIVE: 10/01/2014
☐ RESCINDS
☐ AMENDS
WILEAG 4TH EDITION
STANDARDS: 1.7.1, 1.7.2

INDEX AS: Legal Authority
Constitutional Requirements

PURPOSE: The purpose of this Policy & Procedure is to define the legal authority to carry and use weapons by Germantown Police Department personnel in the performance of their duties. The second purpose of this Policy & Procedure is to govern procedures for assuring compliance with all applicable constitutional requirements.

This Policy & Procedure consists of the following numbered sections:

- I. LEGAL AUTHORITY
- II. CONSTITUTIONAL REQUIREMENTS

I. LEGAL AUTHORITY

- A. Germantown Police Officers are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under Wis. Stats. Chapter 941.
- B. It is the policy of the Department to strictly regulate what firearms and ammunition officers are authorized to carry on-duty as primary firearms, back-up firearms, and as off-duty firearms. Only firearms and ammunition meeting Department-authorized specifications, as established by this written directive, may be used by officers in law enforcement responsibilities both on and off duty, also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- C. Further, it is the Department's policy that any firearm intended for use by an officer in the performance of their law enforcement duty be reviewed, inspected, and approved by a qualified weapons instructor, as established by the Chief of Police.

A record will be maintained for all firearms approved by the Department for official use; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- D. Only officers demonstrating proficiency in the use of a Department authorized firearm, including handguns and shotguns, will be approved to carry such a firearm; also refer to Policy & Procedure 12.01: Weapons and Ammunition.
- E. Officers who will be authorized to carry any firearm will be issued copies of and instructed in the Department policies relating to the use of defensive action and firearms protocol before such authorization is given. The referenced issuance and instruction will be documented; also refer to Policy & Procedure 12.01: Weapons and Ammunition.
- F. An officer must have written, departmental authorization for any firearm carried on-duty and must have the same authorization for any firearm carried off-duty by virtue of his/her position as a police officer. To obtain authorization to carry a specific firearm, an officer must first meet Department qualification standards.
- G. No Civilian Employee of the Department is authorized to have in their possession, a firearm of any kind, while in any agency building or any Village of Germantown vehicle. This includes civilian employees who have been issued a license to carry a firearm.

II. CONSTITUTIONAL REQUIREMENTS

- A. Miranda Rights. A Department issued card describes these rights and a waiver to such rights. Rights are read to/by an arrestee when required, *particularly prior to any in-custody interrogations of a suspect/defendant*. Admissions or confessions given freely prior to receipt of Miranda are documented in detail. After voluntary admission, the officer will give him/her Miranda Rights. As stated in the Waiver, "...no promises or threats have been made...and no pressure or coercion...has been used."
- B. Right to Know. Every person has a right to know why s/he is arrested. If the charge is not evident to the person, the arresting officer will inform the arrestee why s/he is arrested within a reasonable time frame, and if the arrest is for a warrant, the officer will inform them of its contents.
- C. Arraignment. Person jailed: county jail personnel with D.A. cooperation, routes prisoners through Intake Court on a daily basis; the same is true of Records notifying the municipal court judge of persons held on Village violations.

1. On weekends/holidays, 48hr judicial review procedures insure judicial decision as to whether a person is held or released. The arresting officer is responsible for completing form CR-215; Probable Cause and Statement of Judicial Determination.
2. Persons released are given a timely court date/time and projected bond/fine amount if available.
3. A supervisor may contact a D.A./judge on call for consultation and recommendations.

D. Pretrial Publicity.

1. The right to privacy/freedom of information is carefully balanced to negate publicity that may prejudice trials.
2. Release of information is controlled by Policy & Procedure 10.03: Open Records.
3. Information released will be minimal, limited to facts of the incident without opinion/anticipated conclusions. No information is released that may jeopardize an ongoing investigation, witnesses or statements, victims, or deceased parties without next of kin notification.

THE BILL OF RIGHTS UNITED STATES CONSTITUTION FIRST TEN AMENDMENTS

AMENDMENT ONE

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition Government for a redress of grievances.

AMENDMENT TWO

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT THREE

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT FOUR

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT FIVE

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT SIX

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense.

AMENDMENT SEVEN

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT EIGHT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT NINE

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT TEN

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

MIRANDA RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can and will be used against you in court.

You have the right to talk to a lawyer before questioning and have the lawyer with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be appointed for you without charge prior to any questioning.

If you decide to start answering questions at this time, you can stop anytime during the questioning.

WAIVER OF RIGHTS

I have read, or have had read to me, this statement of my rights.

I understand what my rights are.

I am willing to answer questions at this time.

I do not want a lawyer at this time.

I understand and know what I am doing.

Peter G. Hoell
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 09/01/2014

BUSINESS OF THE PUBLIC SAFETY COMMITTEE
GERMANTOWN, WI
Fire Department

MEETING DATE: October 6, 2014

AGENDA ITEM: New Business

ITEM TITLE: Fire Department Staffing

SUBMITTED BY: Chief Gary L. Weiss

SUMMARY EXPLANATION:

- Discussion and requested action related to go to Village Referendum at the April Election for Staffing of the Fire Department. Further details will be presented during the meeting.

ATTACHMENT: ORDINANCE___ RESOLUTION_____ OTHER___

RECOMMENDATION:

The Fire Department respectfully requests approval to present this option of staffing to the Village Board.

BUSINESS OF THE PUBLIC SAFETY COMMITTEE
GERMANTOWN, WI
Fire Department

MEETING DATE: October 6, 2014

AGENDA ITEM: New Business

ITEM TITLE: Purchase 2 Computers

SUBMITTED BY: Chief Gary L. Weiss

SUMMARY EXPLANATION:

- Discussion and requested action to purchase 2 Toughbook Computers for the ambulances. This was in the approved capital budget. Line Item 10-522-570-8460
- TTK Electronics is an approved vendor under the State of Wisconsin contract.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER_X____

Copy of TTK's Estimate

RECOMMENDATION:

The Fire Department respectfully requests a positive recommendation from the PSC to the approval to present this option of staffing to the Village Board to purchase these computers.



117B W. Walker Street, #24 - Milwaukee, WI 53204

Estimate

D-U-N-S Number - 800024049

Date	Estimate #
9/23/2014	8490

Questions?

Contact: Stacey Naumczik

Phone: 414-326-9566 Fax: 414-672-2815

email: stacey@tkkelectronics.com

Name / Address		Rep	Industry	Shipping Via	
Village of Germantown Fire Department W162 N11862 Park Ave. Pewaukee, WI 53022 Capt. Matthew Karpinski 414-232-1771 mkarpinski@germantownfiredept.com		SN	Fire/EMS	Bestway	
Item	Description	Qty	Cost	Total	
CF-31 i5 Regular	Win7, Intel Core i5-3340M 2.70GHz, vPro, 13.1" XGA Touch, 500GB(7200rpm), 4GB, Intel WiFi a/b/g/n, TPM, Bluetooth, Dual Pass, No Drive, Toughbook Preferred	2	3,215.00	6,430.00	
Misc	Backlit Emissive Keyboard	2	195.00	390.00	
Misc	CF-WMBA1304G 4GB Additonal Memory	2	109.00	218.00	
Misc	256GB Solid State Drive	2	785.00	1,570.00	
Misc	GPS	2	325.00	650.00	
Havis Equipment	Havis C-HDM-213	2	185.00	370.00	
Havis Equipment	Havis C-MD-106	1	231.00	231.00	
Havis Equipment	Havis C-MD-102	1	281.00	281.00	
Havis Equipment	Havis C-MD-204	2	68.00	136.00	
Havis Equipment	Havis DS-PAN-111-2	2	568.00	1,136.00	
Havis Equipment	LPS-104	2	124.00	248.00	
Thank you for your interest!			Total	\$11,660.00	

This Estimate is valid for 30 days from the issue date and is subject to availability.

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