



156 East First Street
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www.newrichmondwi.gov

December 20, 2017

TO ALL MEMBERS OF THE PUBLIC SAFETY COMMITTEE:

**Scottie Ard
Jim Jackson
Ron Volkert**

There will be a meeting of the Public Safety Committee on Thursday, December 21, 2017, at 4:30 p.m. in the ED Lab of the Civic Center, 156 East First Street, New Richmond.

Agenda:

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of minutes from the previous meeting, September 19, 2017**
- 4. K-9 update and next steps**
- 5. K-9 MOU - review/discussion**
- 6. K-9 draft policy - review/discussion**
- 7. Pursuit Policy - review/action**
- 8. Labor disputes policy - review/action**
- 9. HR 218 ordinance - review/action**
- 10. HR 218 implementation - action**
- 11. Communications and Miscellaneous**
- 12. Adjournment**

**Mike Darrow
City Administrator**

Copies:

**Fred Horne
Jim VanderWyst
Northwest Community Communications
Matt Melby**

**Craig Yehlik
The News
City of New Richmond Website**

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

PUBLIC SAFETY COMMITTEE MEETING
September 19, 2017

Members Present: Scottie Ard, Ron Volkert, and Jim Jackson

Others Present: Craig Yehlik, Matt Melby, Mike Darrow, and Lori Brinkman

Scottie Ard called the meeting to order at 4:00 p.m. Roll call was taken.

Jim Jackson moved to adopt the agenda as presented, seconded by Ron Volkert and carried.

Jim Jackson moved to approve the minutes from the previous meeting of July 11, 2017, seconded by Ron Volkert and carried.

Narcan

Chief Yehlik spoke about the national opioid epidemic which has caused multiple overdose deaths. Fentanyl and carfentanyl are sometimes mixed with Heroin and are very deadly without immediate medical care. There have been many accidental exposures of fentanyl and carfentanyl to law enforcement officers across the country. The known antidote for opioid exposure is Narcan. There is a Narcan nasal spray that is an effective treatment for opioid exposure and can be self-administered as well as administered to others. The sooner the Narcan is administered after exposure, the better the results will be. There isn't any harm in administering Narcan if, in fact, opioids haven't been used. Rae Ann Ailts, Finance Director, determined there are grant monies available for safety equipment and Narcan nasal spray would be covered under the grant. Carrying cases for the Narcan nasal spray would not be covered under the insurance grant. Matt Melby, Ambulance Director, can provide the NRPD with Narcan at his cost through Westfields Hospital (approximately \$36 each (includes spray and nasal syringe)). The shelf life of the Narcan nasal spray is 22 months. It would need to be carried on the officer's body as opposed to being left in squad cars as it cannot get too hot or too cold. Matt Melby has carrying cases he can donate to the officers. Officers would need a brief training on how to use the Narcan nasal spray; Matt Melby has agreed to hold the training. The Hudson Police Department saved a life using Narcan the very first night they began carrying it.

Scottie Ard made a motion to approve using grant monies to purchase Narcan nasal spray for the New Richmond Police Department, seconded by Ron Volkert and carried.

Retirees Credentials/ID Card and HR218 Information

Chief Yehlik restated the issue he presented at the last Public Safety meeting: Wisconsin residents who are former law enforcement officers may be eligible to carry a concealed weapon in two ways: 1) Obtain the concealed carry license available to the general public; or 2) Obtain an "HR218" certification card available to qualified former law enforcement officers. Up until now, retired New Richmond police officers have been given certification ID cards but have not been offered qualification shoots which would authorize them to carry a concealed weapon under the HR218 law. Chief Yehlik has been researching this topic further and has reached out to several retired New Richmond police officers to determine interest. Most retirees have shown interest in carrying a concealed weapon under the HR218 law, which would allow them to carry a gun most anywhere in the United States. Chief Yehlik has checked with City Attorney, Nick Vivian, who does not see a liability issue as long as the HR218 regulations are being followed. Chief Yehlik reiterated he would like the following additional guidelines in place: 1) retired officers need to pay all of their own expenses for the qualification shoots (guns, ammunition, range time, etc.) and 2) they must have been in "good standing" at the time they left the police department. There was discussion about defining "good

standing". There was also discussion as to whether the New Richmond Police Department would handle authorization for retired New Richmond police officers only. The Committee agreed that New Richmond residents who retired from other jurisdictions would be directed to St. Croix County for permit issuance.

The Public Safety Committee would like to move forward with this.

Scottie Ard would like to see a cost breakdown for applicants, an outline for classroom training, and an outline for range training. Chief Yehlik will prepare this information for the next Public Safety Committee meeting.

No action taken.

Baton Update & Action

At the previous Public Safety Committee meeting, the Committee authorized changes to the Defense and Arrest Tactics (DAAT) policy with regard to the use of batons as impact weapons. Policies 1019 and 303 have been updated to include the authorized use of expandable batons in lieu of the 26-inch wood baton. Chief Yehlik stated there isn't money in the 2017 or 2018 budget to purchase the expandable batons for all police officers. He would like to leave the wood baton as the primary impact weapon and allow officers to use their uniform allowance to purchase expandable batons. If an officer chooses to carry an expandable baton as their primary impact weapon, they must continue to have the wood baton in the squad car as a backup.

Traffic Tamers

At the July 11 meeting, the Public Safety Committee discussed the possibility of instituting a Traffic Tamers program in New Richmond similar to the one Hudson has instituted. Officer Crubaugh has continued to research this topic. It appears to be a viable option for our community, however, Chief Yehlik stated he's not sure this is the right time to implement the program. Chief Yehlik doesn't feel the police department can spare the manpower it would take to train the volunteers, run license plates, and type/mail letters to violators. City Administrator Mike Darrow wondered if adding more signage would help slow traffic down, including adding more radar signs. He also asked about data collection from the radar signs. Chief Yehlik stated there is technology in place to pull speed data from the current radar signs within the City. He will talk to Andrew Lamers and Jeremiah Wendt with regard to retrieving the data.

The Committee tabled this topic.

Communications and Miscellaneous

Chief Yehlik mentioned there were three missing juveniles reported today in New Richmond and all three were found safe and unharmed. Chief Yehlik thanked the responding officers and concerned residents for their assistance.

Scottie Ard moved to adjourn the meeting, seconded by Jim Jackson and carried.

Meeting adjourned at 4:59 p.m.

Minutes by Lori Brinkman



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: December 21, 2017
SUBJECT: K-9 update

Chief Yehlik will update the public safety committee on the K-9 unit, progress and next steps.



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 12/21/17
SUBJECT: K-9 MOU to the contract

Background

With the addition of the K-9 there are some labor issues that were expected to come up that are specific to the handler and time worked outside of the handlers normal scheduled work hours. There are also federal standards for paying the handler for dog maintenance and care while on off duty days. The handler and Lt. Koehler have been working on a draft MOU that was reviewed and approved by the union. That document was then sent to the New Richmond Labor Attorney Steve Zack for review, suggestions and clarification.

Attached is the MOU drafted by Steve Zack. If approved it would have to be sent to the Union for their review and agreement as well.

MEMORANDUM OF AGREEMENT

IT IS HEREBY AGREED by and between the City of New Richmond (City), [name of officer](K-9 Officer), and the New Richmond Professional Police Association, Local 459 (Local 459)(the Parties), that the following constitutes the understandings reached between the Parties with respect to the newly-created New Richmond Police Department Canine Unit (Canine Unit).

The K-9 Officer will be assigned to a shift as determined by Department needs under Article 10.1 (Mangement Rights) of the collective bargaining agreement between the City and Local 459 (CBA). The K-9 Officer may be called out during non-scheduled working hours in response to a service call requiring the Canine Unit and the police dog (Canine).The K-9 Officer must carry a cell phone for after-hours calls. If the K-9 Officer is called in and reports for duty during non-scheduled working hours which results in overtime, the K-9 Officer will be paid in accordance with the provisions of the CBA in place at that time.

As approved by the Chief of Police or designee, the K-9 Officer may be required to honor mutual aid requests from other police agencies requesting the services of the Canine Unit. Such requests shall not jeopardize service to the City or create an undue financial strain on City resources.

The K-9 Officer is not required to flex the work schedule for patrol or enforcement purposes, but may request scheduling flexibility as afforded other officers. However, the K-9 Officer will flex the K-9 Officer's scheduled work hours based on the Canine Unit needs.

The K-9 Officer agrees to perform daily care of the Canine. "Dog care" includes time spent feeding, training, grooming, exercising or otherwise caring for the Canine, as well as cleaning the kennel and the City vehicle provided for transporting the Canine. In return the K-9 Officer shall be compensated as follows:

- a. The K-9 Officer shall be paid at time and one-half (1.5) for up to thirty (30) minutes for dog care while the K-9 Officer is on scheduled days-off or on benefit time-off (paid time-off, compensatory time-off, holiday or medical reserve). The K-9 Officer shall be compensated in pay and not compensatory time-off.
- b. The K-9 Officer shall receive thirty (30) minutes of paid release time for dog care on the K-9 Officer's scheduled work day, specifically, the K-9 Officer shall work eight (8) hours rather than the eight and one-half (8.5) hours of a regular patrol shift. When the K-9 Officer is required to work a regular shift with a four (4) hour extension on either end of the shift, the K-9 Officer shall receive thirty (30) minutes of release time for dog care. In such case, the K-9 Officer shall work twelve (12) hours and be compensated for twelve and one-half (12.5) hours.

- c. The K-9 Officers will not be compensated when the Canine is kenneled for twelve (12) or more hours at the St Paul Police K-9 Facility or other facility approved by the Chief of Police or his/her designee. The Canine shall not be kenneled for more than twenty-five (25) days per year. The Chief of Police or his/her designee may approve additional time.

This provision is agreed to for the explicit purpose of complying with the Fair Labor Standards Act (FLSA) regarding overtime for the care of a law enforcement canine. The Parties agree that this additional compensation meets or exceeds the requirements of that law.

The K-9 Officer must reside within a 15-miles radius of the City's jurisdictional limits.

The K-9 Officer will be assigned a City squad car to use when transporting the Canine for Department purposes, including commuting to and from the K-9 Officer's home. The K-9 Officer begins and ends a tour of duty at the K-9 Officer's residence. The K-9 Officer will be compensated for commuting time by the use of the City squad car.

The City will purchase and pay for the installation of an initial kennel at the K-9 Officer's residence. The K-9 Officer shall be responsible for all costs of maintaining, repairing, and replacing the kennel. If a K-9 Officer changes residences, the K-9 Officer will be responsible for all expenses to move the kennel or install a new kennel at the new residence.

The City shall pay for the Canine's food, supplies, and veterinary costs. All supplies, monetary contributions, equipment, animals (including the Canine) purchased with City funds are City property.

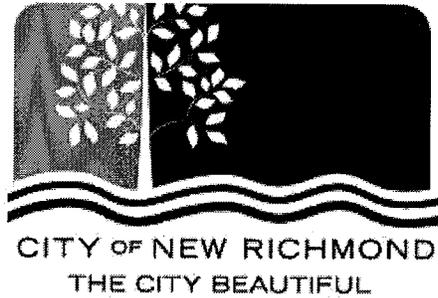
The City will send the K-9 Officer to annual recertification and other required canine training, or to public appearances, as part of the K-9 Officer's regular duty shift to the extent possible. The K-9 Officer shall make an effort to accommodate public appearance requests as approved by the Chief of Police. If training or public appearances fall on the K-9 Officer's regularly scheduled days off, the K-9 Office shall take another day off within the pay period as mutually agreed upon by the K-9 Officer and the Chief of Police, or get paid for that time pursuant to the overtime provisions of the CBA in place at that time.

The City may terminate the assignment or reassign the Canine to another handler. The City may temporarily reassign the Canine and, if so, the compensation set forth herein will be given to the officer to whom the Canine is re-assigned. If a Canine unit is reassigned, all City purchased food, supplies, and equipment kept by the K-9 Officer shall be provided to the officer to whom the Canine is reassigned.

The City reserves the right to discontinue the Canine Unit or sell the Canine at any time and for any reason. If the City terminates the Canine Unit or decides to sell the Canine prior to the end of the service life of the Canine, the K-9 Officer shall be given an opportunity

to purchase the Canine for a price to be negotiated by the parties, except where the Canine is retired pursuant to a violation of Wis. Stat. § 174.02. At the end of the service life of the Canine, the K-9 Officer will be offered full ownership and responsibility of the Canine. "End of the service life of the Canine" is defined as the earliest of the following to occur: the City retires the Canine; or, the City determines that the Canine is physically or medically disabled to a point it is unable to perform all necessary functions or is otherwise unfit to serve. All expenses related to the care/feeding of the Canine after it becomes the property of the K-9 Officer will be the K-9 Officer's responsibility.

To the fullest extent permitted by law, the K-9 Officer shall indemnify and hold harmless the City and its agents, elected and appointed officials, and the Police and Fire Commission and its members, employees, successors, and assigns, from and against any and all loss, liability claims, injury, damage and expense arising out of any intentional, willful, negligent, reckless, or careless use or misuse of the Canine.



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 12-21-17
SUBJECT: k-9 policy and procedure

Background

With the K-9 in our possession we have been working with other agencies to come up with a policy for the k-9. We have collaborated with area jurisdictions and also utilized the policy company Lexipol. The K-9 is not scheduled to be done with training until May but wanted to update you with a draft policy to get the PSC input.

Attached – initial draft policy

Action – We would like the PSC to look over the draft policy and offer suggestions

Canines

Policy

PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including but not limited to, locating individuals and contraband and apprehending criminal offenders.

POLICY

It is the policy of the New Richmond Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

ASSIGNMENT

Canine teams are assigned to assist and supplement the Patrol to function primarily in assist or cover assignments. They will also be assigned to calls for service as needed.

CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible for supervision of the canine teams for the department. The Lieutenant has been appointed as the canine coordinator.

The responsibilities include but are not limited to:

- a. Reviewing all canine use reports to ensure compliance with this policy and to identify training issues and other needs of the program.
- b. Maintain a liaison with the vendor kennel.
- c. Maintain liaison with the St Croix County Sheriff's Office canine coordinator and handlers.
- d. Maintain liaison with other agency canine coordinators
- e. Maintain accurate records to document canine activities.
- f. Oversee the procurement of equipment and services for the teams of handlers and canines.
- g. Schedule all canine-related activities.
- h. Ensure that the canine teams are scheduled for regular training to maximize their capabilities.

REQUESTS FOR CANINE TEAMS

Patrol division members are encouraged to request the use of a canine when appropriate. Requests for a canine team from other agencies outside of city limits shall be reviewed by a supervisor.

OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside of the City of New Richmond must be approved by a supervisor and are subject to the following:

- a. Canine teams shall not be used for any assignment that is not consistent with this policy.
- b. The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- c. It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- d. It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

APPREHENISON GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual had either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist.

- a. There is a reasonable belief the suspect poses an imminent threat of violence of serious harm to the public, any officer or the handler.
- b. The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- c. The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of the officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objectively reasonable standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect, once the threat is non-existent or secured.

PREPERATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but not limited to:

- a. The nature and seriousness of the suspected offense.
- b. Whether violence or weapons were used or anticipated.
- c. The degree of resistance or threatened resistance, if any, the suspect has shown.
- d. The suspect's known or perceived age.
- e. The potential for injury to officer or the public caused by the suspect in the canine is not utilized.
- f. Any potential danger to the public and/or other deputies at the scene if the canine is released.
- g. The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

WARNING AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

A canine is not subject to quarantine if the canine is immunized against rabies. However, after a bite, the canine must be examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident and on one intervening day. The handler shall ensure that the canine is confined when not performing law enforcement functions until the third examination has been performed (Wis. Stat 95.21).

NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the canine should be secured as soon as it becomes reasonably practicable.

ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off of probation.
- (b) Residing in an adequately fenced. Single family residence (minimum 5-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Lives within a 15-mile radius of the City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to policy.

- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be in a kennel provided by the police department at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the canine be lodged at another location unless under direct control of the canine handler.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator.
- (i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine, in accordance with Fair Labor Standards Act. Compensation will be as follows: On the days where the handler is scheduled to be on-duty, he/she shall work an eight (8) hour shift and receive eight and one-half (8 ½) hours of pay, with the extra half hour being spent caring for the canine; on those dates where the handler is scheduled off, he/she will receive one-half (1/2) hour of compensation in pay at the rate of time and one-half.

TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of the canine officer.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator.

CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the New Richmond Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this agency.

FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the New Richmond Police Department may work with outside trainers with the applicable licenses or permits.

CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detections canine training in compliance with state and federal laws (21 USC 823(f); WIS Stat. 961.335; Wis. Admin. Code CSB3.05).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

No controlled narcotics training aids will be introduced into the correctional facility.

CONTROLLED SUBSTANCE PROCEDURES

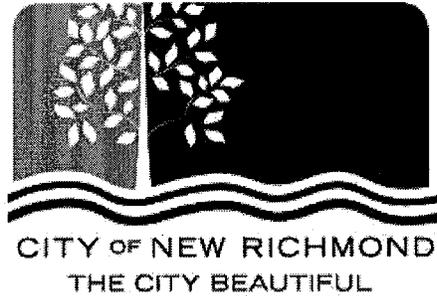
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested bi-annually. The results of the bi-annual testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk/cargo area of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property/Evidence room manager or the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the canine's file which the canine coordinator maintains.



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: December 21, 2017
SUBJECT: Review of Pursuit policy

Background

The New Richmond Police Department has a pursuit policy in place and is required to review that policy at least every other year. The Police Chief and Lt. have both reviewed the policy and also offered the policy to a group of three patrol officers for review and suggestion. This policy is also recommended from the policy originator – LEXIPOL.

Pursuits are very dynamic and can happen very quickly. It is not always possible or practical to notify a supervisor prior to implementing a pursuit intervention technique. When this policy was enacted we had three Sergeants and now we have only two leaving a lot of coverage with no supervisor on duty.

Action

After review of the policy it, is recommended that in paragraph 308.8.1 that the wording be changed as reflected by strike out and the rest of the policy remain unchanged.

Entire policy attached.

308.1 PURPOSE AND SCOPE

❑ Pursuit Policy Vehicle pursuits expose innocent citizens, Law Enforcement Officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide Officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law (Wis. Stat. § 346.03(6); Wis. Admin. Code LES § 3.07).

Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicle pursuits require Officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

308.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no Officer or Supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department Policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable Officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

308.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more Law Enforcement Officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as increasing the speed of the vehicle, extinguishing the lights of the vehicle, disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an Officer's signal to stop (Wis. Stat. § 85.07(8)(a)).

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

308.3 OFFICER RESPONSIBILITIES

It is the policy of the New Richmond Police Department that a vehicle pursuit shall be conducted with the visible signal of at least one flashing, oscillating or rotating red light, or a blue and red light, and also an audible signal by means of a siren or exhaust whistle activated on an authorized emergency vehicle (Wis. Stat. § 346.03(3)).

The following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (Wis. Stat. § 346.03(5)).

308.3.1 WHEN TO INITIATE A PURSUIT

☐ Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a Law Enforcement Officer (Wis. Stat. § 346.03; Wis. Admin. Code LES § 3.07(1)(a)).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Wis. Stat. § 346.03(6)):

- a. The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- b. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to Officers, innocent motorists and others.
- c. The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- d. The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- e. The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

- f. The pursuing Officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing Officers under the conditions of the pursuit.
- g. The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- h. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- i. Vehicle speeds.
- j. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- k. The availability of other resources, such as aircraft assistance.
- l. The police unit is carrying passengers other than on-duty Police Officers. Pursuits shall not be undertaken with a prisoner or other civilian in the pursuit vehicle. A unit containing more than a single prisoner or civilian shall not participate in a pursuit.

308.3.2 WHEN TO TERMINATE A PURSUIT

❑ Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the Officer or Supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape (Wis. Admin. Code LES § 3.07(1)(c)).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the Officer from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and Supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- a. The distance between the pursuing Officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- b. The pursued vehicle's location is no longer definitely known.
- c. The Officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- d. The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- e. Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

- f. The hazards to uninvolved bystanders or motorists.
- g. When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, Officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- h. When directed to terminate the pursuit by a Supervisor.
- i. When it is necessary to stop to render aid to an injured person and no other Officer is available to do so (Wis. Admin. Code LES § 3.07(1)(c)5).

308.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the Officer and Supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, Officer Safety and the safety of the occupants of the fleeing vehicle (Wis. Stat. § 346.03(6)).

Should high vehicle speeds be reached during a pursuit, Officers and Supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit.

- a. Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- b. Pursuit speeds have exceeded the driving ability of the Officer.
- c. Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

308.4 PURSUIT UNITS

⏏ Pursuit units should be limited to three vehicles (two units and a Supervisor). However, the number of units involved will vary with the circumstances.

An Officer or Supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of Officers involved would be insufficient to safely arrest the suspect. All other Officers shall stay out of the pursuit but should remain alert to its progress and location. Any Officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

308.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

308.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

308.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing Officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the Officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- a. The reason for the pursuit.
- b. The location and direction of travel.
- c. The speed of the fleeing vehicle.
- d. The description of the fleeing vehicle and license number, if known.
- e. The number of occupants.
- f. The identity or description of the known occupants.
- g. The weather, road and traffic conditions.
- h. The identity of other agencies involved in the pursuit.
- i. Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a Supervisor or secondary unit, the Officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

308.4.4 SECONDARY UNIT RESPONSIBILITIES

The second Officer in the pursuit is responsible for:

- a. Immediately notifying the dispatcher of his/her entry into the pursuit.
- b. Remaining at a safe distance behind the primary unit unless directed to assume the role of primary Officer, or if the primary unit is unable to continue the pursuit.
- c. Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- d. Serving as backup to the primary unit once the subject has been stopped.

308.4.5 PURSUIT DRIVING TACTICS

■ The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- a. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- b. Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat § 346.03(2)(a)).
- c. Because intersections can present increased risks, the following tactics should be considered:
 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- d. As a general rule, Officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 1. Requesting assistance from an available air unit.
 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 3. Requesting other units to observe exits available to the suspect.
- e. Notifying the Wisconsin State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- f. Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved Officers.

308.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a Supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and Supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

308.4.7 PURSUIT TRAILING

In the event that the initiating unit from this Agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a Supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

308.4.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide Officers and Supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

308.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of the New Richmond Police Department that available Supervisory and Management control will be exercised over all vehicle pursuits involving Officers from this department.

The "on-duty" Patrol Sergeant of the Officer initiating the pursuit, or if unavailable, the Lieutenant or Chief of Police will be responsible for the following:

- a. Upon becoming aware of a pursuit, immediately notifying involved Officers and Dispatch of Supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department Guidelines.
- b. Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- c. Exercising management and control of the pursuit even if not engaged in it.
- d. Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- e. Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- f. Ensuring that aircraft assistance is requested, if available.
- g. Ensuring that the proper radio channel is being used.
- h. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Agency.
- i. Control and manage NRPD units when a pursuit enters another jurisdiction.

- j. Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

308.5.1 PATROL SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Patrol Sergeant shall review all pertinent reports for content and forward them to the Lieutenant.

308.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

308.6.1 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

308.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary Officer or Supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other Agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary Officer or Supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

New Richmond Police Department Officers will discontinue the pursuit when another Agency has assumed the pursuit, unless the continued assistance of the New Richmond Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a Department Supervisor, to the termination point to assist in the investigation. A Department Supervisor should coordinate with the Agency managing the termination point to determine the Supervisor's need to respond or otherwise assist in the investigation. The Supervisor should obtain any information that is necessary for inclusion in any reports from the Agency managing the termination point.

The role and responsibilities of Officers at the termination of a pursuit that was initiated by this Department shall be coordinated with appropriate consideration of the units from the Agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another Agency to assume a pursuit should be specific. Because of communication limitations between local Agencies, a request for another Agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to the New Richmond Police Department, the other agency should relinquish control.

308.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The Agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from the New Richmond Police Department should not join a pursuit unless specifically requested to do so by the agency whose Officers are in pursuit. The exception to this is when a single unit from the initiating Agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating Agency join the pursuit.

When a request is made for the New Richmond Police Department to assist or take over a pursuit that has entered this jurisdiction, the Department Supervisor should consider these additional factors:

- a. Ability to maintain the pursuit
- b. Circumstances serious enough to continue the pursuit
- c. Adequate staffing to continue the pursuit
- d. The public's safety within this jurisdiction
- e. Safety of the pursuing Officers

As soon as practicable, a Department Supervisor should review a request for assistance from another Agency. The Department Supervisor, after consideration of the above factors, may decline to assist in or assume the other Agency's pursuit.

Assistance to a pursuing outside Agency by Officers of this Department will terminate at the City limits provided that the pursuing Officers have sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present.

In the event that a pursuit from another Agency terminates within this jurisdiction, Officers shall notify the initiating Agency of the termination of the pursuit, provide appropriate assistance to Officers from the initiating and other involved Agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

308.8 PURSUIT INTERVENTION

Pursuit Intervention Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing-in, ramming or roadblock procedures.

308.8.1 WHEN USE IS AUTHORIZED

~~Use of pursuit intervention tactics should be employed only after approval of a Department Supervisor. When time permits, officers should seek supervisor approval prior to the use of pursuit intervention tactics.~~

In deciding whether to use intervention tactics, Officers/Supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the Officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the Officer at the time of the decision.

308.8.2 USE OF FIREARMS

- Use of firearms/deadly force can be justified only as a last resort to stop an imminent threat of death or great bodily harm and is the only means to stop the violator(s) from causing death or great bodily harm to you or another.
- Use of firearms in a moving pursuit or at a roadblock is seldom safe or effective and creates extreme risk to others. Use of deadly force justification extends to all persons in the suspect vehicle.
- The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms.
- Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force.

308.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the Officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and are subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- a. **Blocking or vehicle intercept** should only be considered in cases involving "felony suspects" or "impaired drivers who pose a threat to public safety", and when Officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by Officers who have received training in such tactics and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, Officers or other members of the public.
 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 4. The target vehicle is stopped or traveling at a low speed.
 5. At no time should civilian vehicles be used to deploy this technique.
- b. Ramming a fleeing vehicle should be done only after other reasonable tactical means at the Officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an "**actual or suspected felon** who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- c. As with all intervention techniques, pursuing Officers should obtain Department Supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to Officers, the public and occupants of the pursued vehicle.
- d. Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the Officer shall notify pursuing units and the Department Supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to Officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, Officers and Department Supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- e. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a Department Supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, Officers or other members of the public.

308.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a Department Supervisor, the primary Officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved Officers when formulating plans to contain and capture the suspect.

308.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations (Wis. Stat. § 85.07(8)(b)).

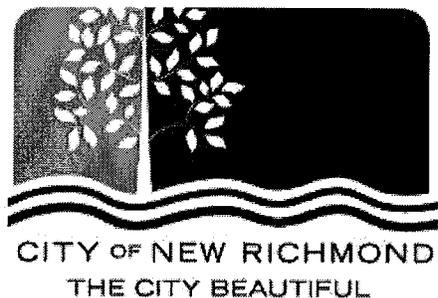
- a. The primary Officer shall complete appropriate crime/arrest reports.
- b. The primary Officer or Supervisor shall complete the appropriate pursuit report.
- c. After first obtaining available information, the primary Officer or on-duty Department Supervisor shall promptly complete the state pursuit report (electronically) and provide a copy of the report to the Lieutenant. This report should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit in distance and time
 3. Involved units and Officers
 4. Initial reason and circumstances surrounding the pursuit
 5. Starting and termination points
 6. Alleged offense, charges filed or disposition: arrest, citation or other release
 7. Arrestee information should be provided if applicable
 8. Injuries and/or property damage
 9. Medical treatment
 10. The outcome of the pursuit
 11. Name of Supervisor handling or at the scene
 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
- d. After receiving copies of reports, logs and other pertinent information, the Lieutenant shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- e. At least annually, but no later than June 30th of every even-numbered year, the Chief of Police or the authorized designee shall direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- f. The Senior Patrol Sergeant shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation via WisDOJ WILENET system's Law Enforcement Pursuit Report. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
 1. The circumstances of the vehicle pursuit, including the distance, location and maximum speed.
 2. The reasons for initiating the vehicle pursuit.
 3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

308.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will participate, no less than biennially, in at least four hours of training addressing this policy, pursuit guidelines, driving techniques, new technology and the importance of vehicle safety and protecting the public at all times. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. At least four hours of the training curriculum will be based on the model standards promulgated by the Law Enforcement Standards Board (LESB) and shall be delivered by a LESB-certified Emergency Vehicle Operations and Control (EVOC) instructor (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

308.9.2 POLICY REVIEW

All Officers of the New Richmond Police Department shall certify in writing that they have received, read and understand this policy initially and upon any amendments (Wis. Stat. § 346.03(6)).



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: 12/21/17
SUBJECT: Labor dispute policy

Background

The New Richmond Police Department is currently going through all policies in the Lexipol Policy manual. The Labor Dispute Policy was reviewed internally and found to be accurate and functional with no recommended changes from Lexipol.

Action –

Review and maintain current policy

Labor Disputes

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department employees with guidelines for the handling of Labor Disputes, Picketing and Strikes.

310.2 POLICY

This Department recognizes and will protect the rights of all parties in labor dispute, picketing and strike situations. These rights include the right to form labor unions and bargain collectively, the right of free speech and the right of peaceful assembly. The Department will convey Department Policy and applicable state statutes to all parties involved in the dispute. The intent is to gain voluntary compliance with the Department's requests.

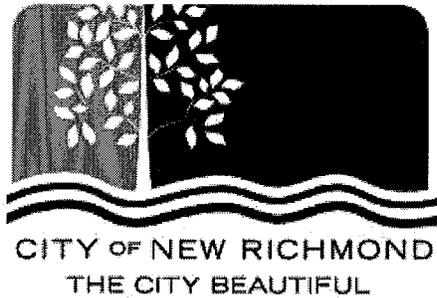
310.3 GUIDELINES

- (a) Department employees will remain completely neutral during any labor dispute.
- (b) The Chief of Police and Lieutenant will be notified immediately of any information regarding a potential labor dispute.
- (c) Department employees will not make any public statement regarding any of the issues involved in a labor dispute.
- (d) Off-duty officers will not say or do anything to indicate to the parties of a labor dispute, that fair and impartial enforcement of the law and Department policy would not be carried out.
- (e) On-duty officers shall not accept gifts of any sort, including food and beverages, from anyone involved and will avoid conversations regarding disputes.
- (f) Officers will ensure that entry to and exit from a place or business will not be blocked, nor will anyone be allowed to prevent another from engaging in lawful work.
- (g) Picketing on private property will be allowed only if permission from the property owner has been provided.
- (h) Officers will ensure that pedestrian traffic on sidewalks remains unobstructed.
- (i) All applicable state statutes and city ordinances will be enforced. State Statutes and City Ordinances that may be applicable include, but not limited to:
 - 1. Disorderly Conduct - Wis. Stats.947.01
 - 2. Battery - Wis. Stats. 940.19 (1)
 - 3. Criminal Damage to Property - Wis. Stats. 943.01(1)
 - 4. Obstructing an Officer - Wis. Stats. 946.41

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Labor Disputes

5. Unlawful Assembly - Wis. Stats. 947.06 (3) & (4)
6. Standing on Roadway - Wis. Stats. 346.29(2)



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MEMORANDUM

TO: Public Safety Committee

FROM: Craig Yehlik, Chief of Police

DATE: 12/21/17

SUBJECT: HR218 Ordinance review /Action

Background

The last few public safety committee meetings HR218 has been discussed and there was some interest from retiree's. Nick Vivian was tasked with looking at our current policy to make sure we were meeting state standards and also covered for liability. Nick Vivian gave his opinion that the policy was sufficient and that it did not increase City or PD liability as long as we followed policy and state guidelines.

The question then arose about defining "member in good standing" as Nick did not feel it was sufficiently defined in statute or policy and thought that an ordinance would be in order.

Nick Vivian has advised that he is in the process of evaluating and writing the ordinance and it should be available on Thursday, but at the time of this memo it was not complete.

Action

Hand out copies of the ordinance on definition of "member in good standing" and perhaps table until the next meeting to give ample time to review.

I would not expect to have this up and running and have a qualification shoot for HR218 eligible retirees until the Spring qualification shoot.