

**AGENDA**  
**REGULAR MEETING**  
**PUBLIC SAFETY COMMITTEE**  
City Hall – Large Conference Room  
5211 SCHLUTER ROAD  
**Wednesday – May 25, 2022**  
**6:00 P.M.**

**Remote Teleconference Meeting via**  
**ZOOM**

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**NOTICE OF ELECTRONIC MEETING**

Due to the current status of the COVID-19 pandemic, this meeting will be conducted via electronic videoconferencing/teleconferencing. As such, it is likely that some or all members of, and a possible quorum, may be in attendance via electronic means and not physically present. In accordance with Wisconsin law, the meeting will remain open to the public. The public may still attend in person at the location stated in this agenda. However, due to the need to maintain social distancing and the limited physical space available, the public is encouraged and requested to attend via electronic means. Directions to do so are listed at the bottom of this agenda. Upon reasonable notice, the needs of disabled individuals will be accommodated through auxiliary aids or services. For additional information or to request this service, contact Alene Hauser at 608-222-2525.

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - a) April 27, 2022
4. Appearances
5. Unfinished Business
  - a) Discussion/Action of street safety for cars, bikes and pedestrians
6. New Business
  - a) Discussion/Action on the creation of part-time Police Officer positions (Chief Chaney Austin)
  - b) Discussion/Action on revisions to the Monona Police policy regarding Canine Use (Chief Chaney Austin)
  - c) Discussion/Action on revisions to the Monona Police policy regarding Citizen Complaints (Chief Chaney Austin)
7. Discussion of future agenda items
8. Updates/Discussion on diversity, equity and inclusion initiatives efforts
9. Reports
  - a) Fire Department
  - b) Police Department

- c) Building and Code Inspection
- d) Police and Fire Commission

- 10. Next meeting date: June 22, 2022
- 11. Adjournment

### **DIRECTIONS TO ATTEND MEETING ELECTRONICALLY**

You may attend via videoconference at

<https://us02web.zoom.us/j/81669502826?pwd=TjI2eHJUSUkyK3doWWZQaU1KcjlBQT09&from=addon> by downloading the free Zoom program to your computer at <https://zoom.us/download>. At the date and time of the meeting log on through the Zoom program and enter Meeting ID: 816 6950 2826 Passcode: 247351

You may attend via telephone conference by calling the following phone number:

PHONE NUMBER: 1-312-626-6799 / MEETING ID: 816 6950 2826 FOLLOWED BY: 247351

Please mute your phone when not speaking to ensure best possible audio quality.

### **PUBLIC APPEARANCE BY ZOOM**

Persons interested in publicly appearing before the Public Safety Committee via computer or phone on the Zoom application are asked to submit an [Appearance Before a Committee form](#) so that we can accommodate all online and phone requests to speak. Please submit your form as soon as possible. Requests will be accepted before and during the meeting until the Appearances section is closed. Requests submitted after the Appearances section is closed will not be able to speak. Link to form:

<https://www.mymonona.com/FormCenter/CommitteeApplication-11/Appearance-Before-a-Committee-Citizen-Co-82>

### **WRITTEN COMMENTS**

You can send written comments on agenda items by emailing [bchaneyaustin@ci.monona.wi.us](mailto:bchaneyaustin@ci.monona.wi.us)

**CITY OF MONONA  
PUBLIC SAFETY COMMITTEE  
ZOOM  
5211 Schluter Road  
Wednesday-April 27<sup>th</sup>, 2022  
6:00P.M,**

**MINUTES**

**1. Call to Order**

- a) Chair Thomas called the meeting to order at 6:00pm

**2. Roll Call**

- a) Committee Member present: Kathy Thomas, Connie Miley, Angela Davis, Jim Bisbee, Larry Reed, Joe Fontaine, Chris Henderson, Alder Teresa Radermacher
- b) Committee Members absent: Mark Zwart
- c) Staff present: Fire Chief Jerry McMullen, Assistant Chief Sara Deuman, Lt C. Wiegel

**3. Approval of Minutes**

- a) A motion was made by Joe Fontaine, second by Larry Reed, to approve the minutes of March 23rd, 2022 meeting. Motion passes by unanimous voice vote.

**4. Appearances**

- a) No one registered of appearances.

**5. Unfinished Business**

- a) No discussions

**6. New Business**

**a) Discussion/Action on additional changes to Noise Ordinance (Council- Alder Thomas)**

There was a discussion at Council in regards to the ordinance pertaining to construction noise that is currently from 7am to 9pm. It was suggested we change it to 7am to 7pm for commercial only.

Angela Davis asked if neighboring cities ordinances go to 7pm as well? And believes 7pm is reasonable. Chair Thomas believes most of them do go to 7pm.

Teresa asked if there has been complaints on the noise ordinance. Sara shared that there has been complaints from the residents when construction is done early in the morning before 7am but it's not a common complaint. If it's a consistent pattern the police department would issue a warning on the first offense, refer it to City Hall and/or issue citations.

Angela moves that we amend the noise ordinance to include commercial construction to 7am to 7pm and residential construction 7am to 9pm. Chair Thomas 2<sup>nd</sup>, Motion passes by unanimous vote.

**b) Discussion/Action on Special Event Ordinance**

Lt Wiegel states the new ordinance in part provides standard application process so proper billings can be completed on special events.

No discussion

Larry Reed moves, Angela 2nds, Motion passes by unanimous vote

**c) Discussion/Action on proposed resolution to order 2024 ambulance chassis in order to meet deadline for replacement (Chief McMullen)**

Looking to shorten the replacement schedule on the ambulance because of the increase of call volume and mileages. In order to build the new ambulance due to the shortage of the supply chain we would need to order a 2023 Ford E450 van chassis now. This would not need money from our 2022 capital budget and will be added to our 2023 Capital Budget.

Jim Bisbee motioned, Joe 2<sup>nd</sup>, motion passes by unanimous vote

**d) Discussion/Action on proposed resolution to order 2023 truck for brush truck project approved in CIP (Chief McMullen)**

The brush truck is in next year's capital budget. When talking with vendor on the state level they are looking to negotiate contracts due to shortage of supply chain. Looking at a 22% increase once this negotiation goes through so would like to order it now to keep the current price.

Jim motioned, Connie 2<sup>nd</sup>, motion passed by unanimous vote.

**e) Discussion/Action on proposed resolution to move \$15,000 of funding from the Squad 5 Decommissioning Capital Project to the PPE Replacement Capital Project (Chief McMullen)**

Requesting to move the money that we saved from the squad 5/Engine 4 Capital budget to the personal protective equipment capital budget for 2022 in order to purchase gear and PPE for the 15 new volunteers. The equipment has gone up in price \$2100 to \$2600 this year.

Larry motioned, Joe 2<sup>nd</sup>, motion passed by unanimous vote.

**7. Discussion of future agenda items.**

No future agendas to discuss.

**8. Updates/Discussion on diversity, equity and inclusion initiatives efforts**

Chief McMullen wrapping this topic and report together.

**9. Reports**

**a) Fire department**

Full time position was offered and accepted to one of our volunteers, Natalia Hanson, she's been a volunteer for 6-7 years. Her swearing in will be in the conference room at 9am May 9<sup>th</sup>. Currently running around a 31% female to male ratio. Currently in Indianapolis at FBIC GenCorp conference and to compete in an international event for EMS. Our team finished in 4<sup>th</sup> out of 15 teams.

**b) Police Department**

We've had a few significant incidents lately. A stabbing, shots fired both leading to arrests. Emma our most recent hire will be graduating the academy May 20<sup>th</sup>.

**c) Building and Code Inspection**

**d) Police and Fire Commission**

Established list of 3 candidates for the full time position for MFD which was taken by Natalia.

**10. Next meeting date: May 25th, 2022**

**11. Adjournment**

Jim Bisbee moved, Connie Miley 2<sup>nd</sup>. Unanimous vote to adjourn.

# Canines

## 309.1 PURPOSE AND SCOPE

Best Practice **MODIFIED**

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

## 309.2 POLICY

Best Practice **MODIFIED**

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

## 309.3 ASSIGNMENT

Best Practice **MODIFIED**

Canine teams should be assigned to assist and supplement the Patrol to function primarily in assist or cover assignments. However, they may be assigned by the Officer in Charge to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Officer in Charge.

## 309.4 CANINE SUPERVISOR

Best Practice **MODIFIED**

The Canine Supervisor shall be appointed by and directly responsible to the Patrol Commander or the authorized designee.

The responsibilities of the supervisor include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.

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- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

#### 309.5 REQUESTS FOR CANINE TEAMS

**Best Practice** **MODIFIED**

Patrol division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Officer in Charge or Commanding Officer.

##### 309.5.1 OUTSIDE AGENCY REQUEST

**Best Practice**

All requests for canine assistance from outside agencies must be approved by the Officer in Charge 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) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### 309.5.2 PUBLIC DEMONSTRATION

**Best Practice** **MODIFIED**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor 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 Chief of Police.

#### 309.6 APPREHENSION GUIDELINES

**Best Practice** **MODIFIED**

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

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or 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.

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- (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 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 objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious criminal 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.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Officer in Charge. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 309.6.1 PREPARATION FOR DEPLOYMENT

**Best Practice** **MODIFIED**

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 is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are 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 officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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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.

#### **Crowd Control**

Police canine teams shall not be deployed for crowd control. It is understood that the mere presence of a police canine in those settings may have an adverse effect when managing such environments.

#### 309.6.2 WARNINGS AND ANNOUNCEMENTS

##### **Best Practice**

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.

#### 309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

##### **State**

Handlers should document canine deployments in a canine use report. 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 the canine use 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.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use 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



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tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department 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 made available for examination at any reasonable time. The handler shall notify the local health department if the dog exhibits any abnormal behavior (Wis. Stat. § 95.21).

#### 309.7 NON-APPREHENSION GUIDELINES

##### Best Practice

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 presents an imminent 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 handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

##### 309.7.1 ARTICLE DETECTION

##### Best Practice

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.

##### 309.7.2 NARCOTICS DETECTION

##### Best Practice MODIFIED

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 as permitted under law.
- (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.

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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.

#### SCHOOL SEARCHES

The use of drug detection canines in schools is permitted only when:

The School District Superintendent, School Principal or designated authority requests or approves use of the canines. All requests must be made in writing and come from the aforementioned authority. The written request must state the school district has a written policy, which is in compliance with Wis. Statute 118.325.

#### 309.7.3 BOMB/EXPLOSIVE DETECTION

##### Best Practice

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### 309.8 HANDLER SELECTION

##### Best Practice MODIFIED

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off 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 can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Monona City limits.
- (e) Agreeing to be assigned to the position for a minimum of five years.

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### 309.9 HANDLER RESPONSIBILITIES

**Best Practice** **MODIFIED**

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 department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a location that is safe and secure.. The handler should have ready access to the vehicle. Any exceptions may be authorized by the Chief of Police.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at a secure location such as the handler's locked garage or similar location. If home options are not available, the vehicle should be parked at the Monona Police Department..
- (e) Handlers shall permit the canine supervisor 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 this policy.
- (f) 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.
- (g) When off-duty, the canine shall be in a kennel provided by the City 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.
- (h) The canine may 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.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or Chief of police.
- (j) 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 supervisor or Officer in Charge or Chief of Police.
- (k) 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 supervisors so that appropriate arrangements can be made.

#### 309.9.1 CANINE IN PUBLIC AREAS

**Best Practice**

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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 canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **309.10 HANDLER COMPENSATION**

Federal MODIFIED

The canine handler shall be available for call-out under conditions specified by the canine supervisor.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding (29 USC § 207).

#### **309.11 CANINE INJURY AND MEDICAL CARE**

Best Practice MODIFIED

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 supervisor or Officer in Charge 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 handler's personnel file.

#### **309.12 TRAINING**

Best Practice MODIFIED

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 and/or explosives 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 supervisor shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine supervisor or Officer in Charge.

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#### 309.12.1 CONTINUED TRAINING

##### Best Practice

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 Monona 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 the Department.

#### 309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

##### Best Practice

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.

#### 309.12.3 TRAINING RECORDS

##### Best Practice

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

#### 309.12.4 TRAINING AIDS

##### Federal

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. Alternatively, the Monona Police Department may work with outside trainers with the applicable licenses or permits.

#### 309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

##### Federal

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); Wis. Stat. § 961.335; Wis. Admin. Code § CSB 3.05).

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

#### 309.12.6 CONTROLLED SUBSTANCE PROCEDURES

##### Federal MODIFIED

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:

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- (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 department.
- (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 quarterly. The results of the quarterly testing shall be recorded and maintained by the canine supervisor 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 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 supervisor 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 and Evidence Room or to 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.

#### 309.12.7 EXPLOSIVE TRAINING AIDS

State **MODIFIED**

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Wis. Stat. § 941.31; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine supervisor shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

# Personnel Complaints

## 1010.1 PURPOSE AND SCOPE

State

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Monona Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1010.2 POLICY

Best Practice

The Monona Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining or employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1010.3 PERSONNEL COMPLAINTS

Best Practice

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### 1010.3.1 COMPLAINT CLASSIFICATIONS

Best Practice MODIFIED

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Supervisor or Officer in Charge is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Administration, depending on the seriousness and complexity of the investigation.



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**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Administration, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1010.3.2 SOURCES OF COMPLAINTS

**Best Practice**

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

**Best Practice**

##### 1010.4.1 COMPLAINT FORMS

**Best Practice** **MODIFIED**

Personnel complaint forms will be [available on request at the public facing window of the police department](#). ~~maintained in a clearly visible location in the public area of the~~ [It will also be facility](#) ~~and be~~ accessible through the department website. ~~Forms may also be available at other facilities.~~

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### 1010.4.2 ACCEPTANCE

**Best Practice**

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

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This department will investigate all false claims made against its law enforcement officers. Knowingly making a false complaint against an officer may subject the complainant to a Class A forfeiture (Wis. Stat. § 946.66; Wis. Stat. § 66.0511).

#### 1010.5 DOCUMENTATION

Best Practice MODIFIED

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

~~On an annual basis, the should audit the log and send an audit report to the or the authorized designee.~~

#### 1010.6 ADMINISTRATIVE INVESTIGATIONS

Best Practice

Allegations of misconduct will be administratively investigated as follows.

##### 1010.6.1 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or Administration personnel investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Officer in Charge of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

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2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Officer in Charge.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Officer in Charge and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Officer in Charge for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the [Operations Commander](#) Officer in Charge, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

##### **Best Practice**

Whether conducted by a supervisor or a member of the Administration, the following applies to members covered by the Law Enforcement Officers' Bill of Rights.

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Monona Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)).
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

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- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview should be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member should be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (Wis. Stat. § 111.37).
- (l) A member shall not be disciplined, retaliated against or threatened with retaliation for exercising his rights as described in this policy (Wis. Stat. § 164.03).

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

##### **Best Practice**

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1010.6.4 DISPOSITIONS

##### Best Practice

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.6.5 COMPLETION OF INVESTIGATIONS

##### Best Practice

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

#### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

##### Best Practice

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1010.7 ADMINISTRATIVE SEARCHES

##### Best Practice

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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#### 1010.8 ADMINISTRATIVE LEAVE

**Best Practice**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### 1010.9 CRIMINAL INVESTIGATION

**Best Practice**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Monona Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### 1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

**Best Practice**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

##### 1010.10.1 COMMANDER RESPONSIBILITIES

**Best Practice**

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Upon receipt of any completed personnel investigation, the Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### 1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

##### **State**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

The Chief of Police shall file a report with the board of commissioners immediately upon issuing a suspension or discharge of a member (Wis. Stat. § 62.13(5); Wis. Stat. § 62.50(13)).

#### 1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

##### **Best Practice**

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The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### 1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

##### Best Practice

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### 1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

##### Best Practice

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### 1010.13 POST-DISCIPLINE APPEAL RIGHTS

##### State

A non-probationary employee may have the right to appeal the imposition of a disciplinary suspension, transfer, demotion or termination as provided in a collective bargaining agreement, local ordinance or police commission rule (Wis. Stat. § 62.13(5)(i); Wis. Stat. § 62.50(13); Wis. Stat. § 59.26(8)(b)(6)).

#### 1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

##### Best Practice

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to



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any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

**State**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.