

## **CHAPTER 5**

### **POLICE DEPARTMENT AND REGULATIONS**

#### Section

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5.01 ORGANIZATION OF POLICE DEPARTMENT. The Police Department of the City of Stevens Point shall consist of the Chief of Police, two Assistant Chiefs of Police, eight Sergeants of Police, and such number of police officers and civilian employees as the common council shall, from time to time, prescribe.

5.02 BOARD OF POLICE & FIRE COMMISSIONERS. See Section 3.29 of this code.

5.03 CHIEF OF POLICE.

(1) Appointment and Duties. See Section 3.30 of this code.

(2) Command of Police Department. The chief of police shall have command of the police department under the direction of the police & fire commission. The chief shall have general administration and control of the department and shall be responsible for the department's government, efficiency, and general good conduct. He/she shall perform all duties prescribed to the chief by the laws of the state and the ordinances of the city.

(3) Appointments within the Department. The chief of police shall make all appointments and promotions in the department, subject to the confirmation of the board of police & fire commissioners.

(4) Rules and Regulations for Police Department. The chief of police in the exercise of his/her duties shall have the power to prescribe, promulgate and enforce rules and regulations for the government of the members and employees of the department which shall, however, not be inconsistent with the ordinances of the city or the laws of the state. The rules and regulations compiled, adopted, and published by the chief of police are hereby approved and shall be in force and effect until changed or amended.

(5) Responsibility for Keeping Public Peace. The chief of police shall cause the public peace to be preserved and enforce all the laws and ordinances of the city of which the police department must take cognizance; and whenever any violation thereof shall come to his/her knowledge, he/she shall cause the requisite complaint to be made and procure the evidence for the successful prosecution of the offender.

(6) Records and Equipment.

(a) The chief of police shall cause to be kept such books and records as may be specifically provided by ordinance and shall report to the police and fire commission at the end of each month the number of arrests made during such month, together with the causes of arrest; he/she shall give such other information to the police and fire commission as may be required from time to time. He/she shall also cause to be kept and made all other records of proceedings as may be deemed necessary.

(b) Custody of Records and Equipment. The chief shall have the custody and control of all books, records, machines, tools, implements, apparatus, or equipment of every kind necessary for use in the department of all public property pertaining and belonging thereto.

(c) Inspection of Police Records. The mayor, district attorney of Portage County, city attorney, chief of police, or any member of the common council may inspect at all times any or all of the books directed to be kept by the chief of police. No person not named herein shall be permitted to examine any such books without permission in writing from the mayor or chief of police, except that material identified in Section 3.43 of this code.

(7) Bail.

(a) Release of Arrested Persons. The chief of police is authorized, whenever in his/her opinion circumstances may require it, to receive from any person who shall have been accused of having violated any city ordinance, and has been arrested therefor, a deposit in money equal to the amount of penalty, the imposing of which in such case may be authorized and to release such person from arrest until the opening of the court on the next succeeding day when such court may be in session or until a time which may be fixed for the hearing of the case.

(b) Forfeiture of Bail. When any person so arrested and released shall fail to appear personally or by an authorized agent or attorney before the court at the time fixed for the hearing of such case, then the money deposited with the chief of police shall be retained and used for the payment and liquidation of the fine which may be imposed after an ex-parte hearing upon such person so arrested and depositing the same, together with the costs; and the surplus, if any, shall be refunded to the person who made such deposit. In the event such person is acquitted, the whole amount shall be refunded upon application.

(c) City Not Liable. The city shall in no case be liable for the whole or any part of the money deposited with the chief of police.

(d) Members of Department not to Furnish Bail. The Chief and police officers shall be incompetent bail for any person arrested and shall in no case become bail for any person.

(8) Custody of Property and Stolen Articles.

(a) Generally. The chief of police shall have charge and custody of all lost, stolen, abandoned and unclaimed property; property taken from prisoners or held as evidence; and all other property coming into possession of the police department and shall be responsible for the safekeeping, accurate recording, and proper disposition of the same.

(b) Records. The chief of police shall properly tag and enter into the records all lost, stolen, abandoned and unclaimed property, property required as evidence and prisoners' property coming into his/her possession; recording the date and time it was received by him/her, the name of the person from whom such property was received or taken, the date and time it was obtained or recovered, its description in specific detail including name of the article, quantity and value, name & residence of owner and claimant, if known, place where found, the circumstances connected therewith and the name of the member or employee delivering the same; and he/she shall also keep such other records or books as may be necessary. He/she shall give a receipt to all persons delivering any property whatsoever into his/her possession and shall exact a receipt from all persons to whom he/she delivers any property.

(c) Disposition of Unclaimed Property and Money. All unclaimed personal property, except bicycles and property which may be required by the police department as evidence, which shall have remained unclaimed for a period of ninety (90) days or more and after every reasonable effort has been made to locate the owner thereof, may be sold at public auction at a time designated by the chief. No member or employee of the department will be permitted to purchase property at any such auction. In the event that the property is of limited value and a reasonable sale cannot be had at auction, the same may be disposed of by transfer to a charitable organization located within the city.

In the event the police department determines it is in its best interest to retain unclaimed property, the police department may retain such property for public use.

All unclaimed bicycles in possession of the department after being held for thirty (30) days and after every reasonable effort has been made to locate the owner thereof, shall be disposed of as provided above.

The one in charge of property, except upon orders of the courts or as otherwise provided, shall not deliver to any claimant stolen or wrongfully taken property or property which may be required in any civil or criminal proceedings until all prosecutions or proceedings involving such property shall have been finally disposed of, including appeals, and the time within which appeals may be lawfully taken has expired.

(d) Destruction of Gambling Devices. The one in charge shall, unless otherwise ordered by the court, destroy with the approval of the chief, all gambling devices, tables, wheels, instruments or any other paraphernalia used for gambling purposes seized by members of the department, after all prosecutions or proceedings pertaining thereto have been finally disposed of, including appeals and the time within which appeals may be taken has expired.

## 5.04 OFFICERS OF DEPARTMENT.

## (1) Responsibility of Command.

(a) Commanding Officer. A commanding officer is any member of the department designated by the chief of police to exercise command.

(b) Chain of Command. During the temporary absence of a commanding officer, when no other provision is made by competent authority, the command automatically devolves upon the subordinate present next in seniority to such commanding officer. Seniority is determined first by rank, second by continuous service in the rank.

The relative rank in positions of officers of the department shall be as numerically designated per the Chief of Police and shall consist of no more than 49 sworn personnel to include 1 Chief of Police.

(2) Acting Chief. During the absence of the Chief of Police a Assistant Chief shall perform all the duties of the Chief except the making of appointments, promotions or demotions of members or employees of the department.

An acting chief shall be particularly careful to carry out the order of the chief previously given. Such orders shall not, except in cases of extreme emergency, be countermanded or set aside; and when such action is taken, the acting chief shall report in writing to the chief the reasons in each instance.

## 5.05 (POLICE OFFICERS AND DEPARTMENT EMPLOYEES - renumbered on July 19, 2010 to become Section 24.49)

5.06 RESISTANCE TO POLICE. No person shall resist or in any way interfere with any police officer or member of the police department in the discharge of his/her duty, or shall hinder or prevent him/her from discharging his/her duty as such officer, or shall offer or endeavor so to do, and no person shall in any manner assist any person in custody of any police officer or member of the police department to escape or to attempt to escape from such custody or shall rescue or attempt to rescue any person in custody.

## 5.07 GENERAL RULES AND REGULATIONS.

(1) "Members" and "Employees". The word "member" as used in the provisions of the department rules and regulations shall be construed as meaning a person duly appointed a police officer in the police department and the word "employee" shall be construed as meaning any person in the service of the police department, and who is not a police officer.

(2) Additional Rules & Regulations. In addition to the provisions contained in this chapter, the members and employees of the police department shall be subject to such rules and regulations prescribed and promulgated by the chief of police.

(3) Knowledge of Rules. It shall be the duty of every member and employee of the police department to thoroughly familiarize himself/herself with such provisions of the rules and regulations as deal specifically and generally with the duties of his/her rank, grade, or position, within twenty days from the date of issuance of the rules and regulations to the member or employee. Every member of the department and every such employee as may be designated by special order shall familiarize himself/herself with all the provisions of the rules and regulations within sixty days of issuance thereof. Failure on the part of any member or employee of the department to acquaint himself/herself with the provisions of the rules and regulations as hereby directed will be deemed neglect of duty and shall be made the subject of charges against such member or employee.

(4) Obedience to Rules. Members and employees of the department shall conform to and abide by the rules and regulations of the department, observe the laws and ordinances in force in the city, and render their services to the city with zeal, courage, discretion, and fidelity.

Notwithstanding the assignment of specific duties and responsibilities to members and employees of the department by the provisions of the rules and regulations of the department, all members and employees shall perform all such other duties as may be required of them by competent authority.

(5) Full Time Employment. Members and employees of the department shall devote their whole time and attention to the service of the department. Members shall not conduct any private affairs while on duty status.

(6) Rewards and Gifts. All monies received as rewards, presents, or gifts for services rendered in the line of duty, other than salaries, shall be promptly turned over to the chief, together with a written statement of the circumstances under which such monies were received, who will, in turn, deliver such monies to the city treasurer.

(7) Resignations.

(a) Notice Required. No member or employee of the department shall withdraw or resign from the service unless he/she shall have given the chief of police not less than five days notice in writing of such intention or has obtained special permission from the chief to do otherwise.

(b) Unexplained Absence. An unexplained absence without leave of any member or employee of the department for three days will be deemed and held as resignation without proper permission and will be treated as such.

(c) Resignation While Under Charges. Any member or employee of the department resigning from the service without proper permission while under charges shall be with the evidence available, tried on such charges, which shall be so amended as to include the violation of paragraph (a) of this subsection.

(d) Forfeiture of Salary. Charges shall be preferred against member or employee of the department resigning contrary to any of the provisions of this subsection and shall be subject to the penalty of forfeiting all or part of his/her salary or pay which may be due him/her and also to being considered as discharged from the service and such findings will be so entered on the records of the department.

(8) Disciplinary Actions Against Subordinates. A subordinate may be discharged, suspended or otherwise disciplined as provided in section 62.13(5) of the Wisconsin statutes as amended.

#### 5.08 INSTALLATION AND OPERATION OF EMERGENCY ALARM SYSTEMS.

##### (1) Definitions.

(a) Alarm Company: A person or business entity involved in selling, providing, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System.

(b) Alarm Signal: A detectable signal, audible or visual and/or silent, generated by an Alarm System.

(c) Alarm Site: An individual premises or location serviced by an Alarm System, as defined in this Ordinance. In the case of two or more alarmed businesses or residences at the same location, and contained within the same building, each location will be considered a single site.

(d) Alarm System: Any device, or system of devices, which are designed for the detection of an unlawful entry to a premises or for alerting others of the commission of an unlawful act, or for alerting the Fire Department to the existence of a fire, which when activated produces a visual or audible signal, or both, which is caused to be transmitted in any manner by any person or entity to the City of Stevens Point Police or Fire Departments. This does not include a motor vehicle, unless such vehicle is permanently located at the alarm site for which a permit has been issued by the City of Stevens Point.

(e) Alarm Permit: A document issued by the City of Stevens Point allowing an Alarm Company or Alarm User to install, place or maintain an Alarm System.

(f) Alarm User: Any person, business, governmental, educational, or any other entity who installs, is in control of, or contracts with an Alarm System Company for the installation, placement, operation or monitoring of any system defined by Ordinance as an Alarm System.

(g) Contact Person: A person or persons who will be responsible to respond to the site of an alarm activation, who has access to the alarm system and the authority and ability to set or deactivate the system.

(h) False Alarm: The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or maintenance, the negligence of the Alarm User, his/her employees or agents, or any other cause, when a situation requiring a police or fire response does not actually exist. An alarm is false within the meaning of this article when, upon inspection by the responding officials, no evidence indicates that unauthorized entry, fire emergency, or other emergency exists in or on the premises that would have activated a properly functioning alarm system, unless the request for response was cancelled by the Alarm User or his agent before responding officials arrive at the Alarm Site.

(i) Service Fee: A fee imposed upon an Alarm User to defray the costs to the City as a result of false alarms and to discourage false alarms and encourage the users and operators to maintain their systems in proper working order.

(2) Alarm Permits:

(a) The Police Chief, or the Fire Chief in the case of a fire alarm system, shall be the permitting authority for the City of Stevens Point.

(b) The permitting authority is empowered to create reasonable rules, processes and forms by which to complete the permitting process. The fee for issuance of a permit shall be determined by the City Council. The City, through the permitting authority, may decline to issue a permit due to non-compliance with the process established.

(c) Permits shall be effective only for the calendar year in which they are issued and must be renewed annually.

(d) Alarm permits shall be completed by the Alarm Company. This does not, however, relieve the Alarm System User from the obligation to possess a valid permit at any time that an Alarm System is in use.

(e) Alarm permits are not transferable.

(f) The fee shall be set forth in Section 12.00 of the revised municipal code.

(3) Response to Alarm:



(a) The issuance of a permit and installation of an alarm system shall not grant the permittee any additional rights or create any additional liability on the part of the City. By applying for a permit, an Alarm User or Alarm Company, acknowledges that police or fire response may be influenced by factors such as availability of personnel or equipment, priority of calls, weather conditions, traffic conditions, staffing levels and prior response history.

(b) Each alarm system user must have a minimum of three (3) persons, who are listed with an alarm system company as a contact person. The permitting authority may allow a minimum of two (2) under circumstances that they deem necessary.

1. An alarm system user may not prohibit the system company or its response center from contacting them in the event of an alarm activation.

2. A contact person is expected to respond to the alarm site upon notification of an alarm activation. Failure of a contact person to respond may result in the revocation of a permit, or non-response of police to the alarm site.

3. In the event that a contact person cannot be reached or does not respond to the Alarm Site, the Police Department is not obligated to maintain site security and, upon making a reasonable examination of the exterior of the alarmed premises for evidence of unlawful entry and finding none, may leave the scene.

(c) When a property is protected by an automatic alarm system and access to or within a structure, or an area on that property, is difficult because of secured openings, and where immediate access is necessary for life saving or fire fighting purposes, the permitting official may require a key box to be installed in an appropriate location. The key box shall be a type approved by the permitting authority.

1. The key box shall contain:

- a. Keys to locked points of ingress whether on the interior or exterior of such buildings.
- b. Keys to locked mechanical equipment rooms.
- c. Keys to locked electrical rooms.
- d. Keys to elevator controls.
- e. Keys to other areas as directed by the permitting authority.

(4) Suspension or Revocation of Permit:

(a) The permitting authority retains the right to suspend or revoke the permit under the following circumstances:

1. After receiving six (6) false alarms within a calendar year, the permitting authority may suspend any permit issued for the remainder of that year.

2. If a permit is reissued in the ensuing year, it may be revoked upon the third subsequent false alarm in that year. The permitting authority shall have the right to determine whether any permit will be issued to the alarm system operator or user thereafter.

3. If fines or fees assessed in compliance with this Ordinance are not paid within sixty (60) days of assessment.

(b) The Police Department may suspend police response to an Alarm Site upon suspension or revocation of the Alarm Permit unless there is some separate indication that there is a crime in progress.

(c) Any activation of an alarm at a time when the Alarm Permit is under suspension or revocation subjects the Alarm User to the service fees and civil forfeitures provided in Sec. 6.

#### (5) Prohibited Acts

(a) No Alarm System Company or Alarm System User shall install or operate an alarm system without a permit having first been issued and currently in effect.

1. Any alarm activation which occurs when a permit is not issued and in effect is considered a separate violation

(b) It shall be unlawful to install, maintain, or use an automatic dialer device that reports, or causes to be reported, any signal or recorded message directly to the Police or Fire Departments.

(c) It shall be unlawful to fail to maintain a key box, or appropriate contents, as described in section 3 (c).

(d) The alarm system user is responsible for any false alarm.

1. The Department responding to the false activation of an alarm shall have the discretion to determine whether the activation should be counted against the Alarm User for the purposes of assessing a service fee or for suspension or revocation of the Alarm Permit.

2. The Department may determine not to count the false alarm against the Alarm User for any of the following:

a. Caused by weather.

- b. Caused by the telephone company, construction or maintenance work not related to the Alarm System itself.
- c. Evidence that the alarm was caused by a power outage.
- d. Multiple alarms in a twenty four (24) hour period may be counted as a single event if there is clear evidence that activation was caused by a system malfunction and the Alarm User has taken action to have the malfunction corrected.

(6) Service Fees and Penalties

(a) Any false alarm transmitted, or other violation of this Ordinance, is subject to the penalty and/or service fees as provided in subsections (b), (c), and (d) herein.

(b) For false alarms in a consecutive twelve (12) month period the service fees shall be as follows:

1. For the first false alarm, a written warning.
2. For the second false alarm, a written warning.
3. For the third false alarm, a service fee of \$100.00.
4. For the fourth false alarm, a service fee of \$250.00
5. For the fifth and subsequent false alarms, a service of \$400.00.

(c) Any service fee which is not paid within sixty (60) days of assessment, may be placed on the property tax bill of the property served pursuant to Section 66.0627 of the Wisconsin Statutes. Such placement on the tax bill does not in any way relieve the person or entity of any penalties or suspension of response as a result of non-payment until such time as the property tax assessment is paid.

(d) Any Alarm User or Alarm System Company violating any other provision of this Ordinance shall suffer a forfeiture as follows:

1. First offense in a twelve (12) month period a forfeiture of not less than \$75.00 nor more than \$150.00.
2. For the second offense within a twelve (12) month period a forfeiture of not less than \$125.00 nor more than \$300.00.
3. For the third or subsequent offense within a twelve (12) month period a forfeiture of not less than \$200.00 nor more than \$400.00.

If requested by City staff, the police department shall conduct a criminal history information search concerning the following persons:

1. Alcohol license and permit applicants;
2. Canvassers, peddlers and transient merchant license applicants;
3. Applicants for City employment; and
4. Applicants for all other license and permits which may be issued by the City.