



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 090 – PRISONERS AND BOOKING

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**REVIEWED/APPROVED BY:**  
Assistant Chief Nicole Waldner  
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**ACTION:** Amends General Order 2017-53 (November 9, 2017)

**WILEAG STANDARD(S):** 1.7.4., 1.7.5, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9, 7.2.1, 7.2.2, 7.2.3, 7.2.5, 7.2.6, 7.2.7, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.11, 7.3.12, 7.3.14, 7.3.15, 13.1.1

#### **090.00 PURPOSE**

The purpose of this standard operating procedure is to establish guidelines for the control, care, transport, and processing of prisoners at Milwaukee Police Department municipal lockup facilities.

#### **090.02 MUNICIPAL LOCKUP FACILITY ADMINISTRATOR (WILEAG 7.3.1. 7.3.3)**

- A. The municipal lockup facility administrator shall be appointed by the Chief of Police.
- B. The municipal lockup facility administrator or designee shall exercise authority over all municipal lockup facilities, detention and interrogation rooms, prisoner processing, safety, security, care and monitoring of all prisoners, subject to the orders of the Chief of Police.
  1. The municipal lockup facility administrator shall oversee training for personnel assigned to duties at the municipal lockup facilities, operations, supervision and physical restraint of prisoners, and other responsibilities consistent with the position.
  2. The municipal lockup facility administrator shall oversee transfer and transportation of prisoners to and from municipal lockup facility facilities and other jails.
  3. Ensure that Central Booking personnel conduct regular and monthly inspections of all department municipal lockup facilities for compliance with department policies and procedures, state of Wisconsin Department of Corrections (DOC) codes, and federal regulations relative to municipal lockup facilities.
  4. Provide an annual report to the Chief of Police detailing the results of the Wisconsin DOC and/or federal inspections.
  5. Routinely review all mandates, procedures, standards, and correspondence from any agency that regulates municipal lockup facilities so that policies and procedures are current.

- C. District commanding officers/shift commanders shall have operational control of their respective municipal lockup facility site and work cooperatively with the municipal lockup facility administrator or designee to maintain compliance with this policy.
- D. Investigations divisions who have temporary custody of a prisoner shall be responsible for the proper security, care, and control of said prisoner while working cooperatively with the municipal lockup facility administrator or designee to ensure compliance with this policy.
- E. The municipal lockup facility administrator must, in coordination with the Wisconsin DOC Detention Facility Specialist and Inspections, approve all municipal lockup facilities and/or signage.

#### **090.03 TRAINING (WILEAG 7.2.4, 7.3.2)**

- A. All sworn department personnel shall be trained on the treatment of prisoners and general use of department municipal lockup facilities and detention areas, including use of fire suppression equipment, first aid, suicide prevention, and other equipment to ensure the overall safety of department personnel and prisoners.
- B. Department members in direct, continuous contact with prisoners require annual training covering application of physical restraints.
- C. Department members not working in direct contact with prisoners shall adhere to policies and procedures governing municipal lockups.  
(WILEAG 7.2.4.7)

#### **090.05 TREATMENT OF PRISONERS**

- A. All members of the Milwaukee Police Department shall adhere to the Code of Conduct, Core Value Respect, when dealing with all prisoners.
- B. District and investigations division commanders and shift commanders shall be responsible for the proper and humane treatment of prisoners conveyed to and confined at their respective work locations.
- C. Department members are strictly forbidden to argue with prisoners, to speak to them unnecessarily, to address them in obscene or profane language or to use more force than is necessary to overcome their resistance. Prisoners are to be made as comfortable as practicable; safekeeping, not punishment, being the objective during the time they are in custody of the police. Any member found guilty of unnecessarily striking or mistreating prisoners in any manner shall be subject to discipline up to and including dismissal.

#### **090.10 PHYSICAL RESTRAINT OF PRISONERS (WILEAG 7.2.2)**

##### **A. HANDCUFFS**

1. As a rule, all prisoners and persons in custody shall be handcuffed behind their

backs prior to transporting. There may be exceptions to this rule, such as dependent children, physical condition, etc. However, police members must keep in mind that all persons in custody are potentially dangerous, regardless of their appearance or initial demeanor. Anyone in custody and not confined to a cell or detention room shall be constantly monitored and kept within reach of a sworn police member.

2. All necessary precautions shall be taken to prevent escape or injury to the prisoner or others. Absent exigent circumstances and excluding police aides who have been booker trained, a civilian shall not be responsible for monitoring a prisoner. All prisoners conveyed to Central Booking must be handcuffed behind their backs prior to arrival at Central Booking unless otherwise authorized by a Central Booking supervisor. Typically, persons being interviewed for investigative reasons shall not be handcuffed. However, members may use their discretion when the totality of the circumstances indicates handcuffing is appropriate.  
(WILEAG 7.2.2.5)

#### B. FLEXI-CUFF HANDCUFFS

1. Any time the number of arrestees outnumber the available steel handcuffs, the use of flexi-cuff handcuffs is authorized. Flexi-cuff handcuffs are not a permanent substitute. The primary handcuff remains the steel handcuffs. Therefore, members must maintain observation of persons who are restrained with flexi-cuffs.
2. Additionally, flexi-cuffs, if applied improperly, can seriously restrict the flow of blood and inflict injury to a person's wrists and hands. Once applied, the nylon restraint cannot be loosened to increase blood circulation or removed unless it is cut from the person's wrist.

**Note: Flexi-cuffs are to be removed only with department approved safety scissors.**

#### C. LEG IRON RESTRAINTS

Police members should use department issued leg irons to restrain and secure violent or high risk prisoners, including those placed under emergency detention, who displays violent behavior.

#### D. PRECAUTIONS

1. All persons in restraints of any kind shall be continuously monitored.
2. Members shall remain cognizant of any changes in the condition of an arrestee that would require medical treatment. If medical treatment becomes necessary, members shall immediately request medical assistance by telephone or radio. It cannot be overemphasized that members shall continuously monitor and remain cognizant of the condition of a person in custody, especially when they are in restraints. The arrestee may encounter immediate or delayed physical reactions that may be triggered by the change in physical or environmental factors. Therefore, caution and awareness on the part of the officer is constantly required.

3. If a person has been controlled and placed in restraints on the ground, the police member shall roll the person onto their side or into a sitting position as soon as possible. This procedure is performed to prevent injury to the person and to facilitate the member's monitoring of the person's physical condition.

### **090.15 PRISONERS IN NEED OF MEDICAL ATTENTION (WILEAG 7.1.8, 7.3.15, 7.3.17)**

#### **A. MEDICAL AID**

1. Health care of prisoners shall be in accordance with [Wisconsin DOC Administrative Code 349.09](#) and [Wis. Stat. § 302.38](#).
2. Any department personnel having contact with a person in medical distress shall immediately activate the Emergency Medical System (EMS) which includes calling for medical treatment and rendering first aid until relieved by responding medical personnel.
3. Medical distress will include, but is not limited to, situations where a person is unconscious, has no pulse, has difficulty breathing, complains of moderate to severe pain, has moderate to severe bleeding, or is incoherent.

#### **B. CONVEYANCES**

1. Prisoners conveyed by paramedic unit, ambulance, and/or police vehicle to a medical facility for emergency and/or non-emergency medical care must have a *Protective Custody or Transfer of Prisoner for Medical Care* (form PP-42) completed.
2. Prisoners conveyed to a medical facility because of injury or an apparent emergency physical illness shall be conveyed by ambulance or fire department paramedic unit. Any uncertainty as to the mode of transportation, convey prisoners by ambulance or fire department paramedic unit.

**Note: Emergency physical illness shall include those instances when an officer believes that the person in custody has recently taken what appears to be a controlled substance, especially in cases where it appears that the person has attempted to dispose of the substance by ingestion. If a prisoner puts something in their mouth that the member believes may be a controlled substance, this shall constitute evidence of ingestion and the prisoner must be medically cleared prior to booking.**

3. Prisoners in need of medical attention that are conveyed to a medical facility from a district municipal lockup facility or Central Booking (a squad from the district where the crime occurred if the prisoner is at Central Booking) shall require a two person squad if one of the following conditions exist:
  - a. The prisoner was arrested for a violent offense (e.g., battery, armed robbery, recklessly endangering safety, and other crimes against a person in which

violence is an element to the offense).

- b. The prisoner is combative or has a previous history of violence against law enforcement or medical personnel.

**Note: Prisoners conveyed for medical attention to a medical facility under this subsection shall be handcuffed in accordance with SOP 090 and have leg iron restraints applied. Leg irons do not have to be applied if exigent circumstances exist that do not allow time for them to be applied or with supervisory approval.**

4. An officer shall remain with the prisoner during transport to and from the hospital or emergency medical facility in all such cases.
5. Escorting officers shall remain in the treatment room with prisoners at all times. When all restraints must be removed, more than one officer should be present. Officers must be aware of the well-being of their prisoners while also assuring their own security and the security of others.
6. Instances may arise where officers believe a prisoner's medical condition is of such nature that they should not be released from a hospital even though hospital personnel have released them from their care. In those circumstances the following will occur:
  - a. The officer shall request a supervisor to meet them at the hospital.
  - b. If the supervisor agrees with the concerns of the officer, they shall speak with the hospital personnel caring for the prisoner and attempt to resolve the situation.
  - c. If the supervisor, after speaking with the hospital staff, is unable to come to a satisfactory conclusion, they shall contact their shift commander and inform them of the circumstances surrounding the concerns for the prisoner.
  - d. The shift commander shall note this information in the daybook and notify their commanding officer regarding.
  - e. If this occurs during the night shift, the night watch commander shall be notified and informed of the situation.
  - f. If the commanding officer or the night watch commander determines that there is a legitimate health concern for the prisoner, they shall respond to the hospital in question and request to speak with hospital personnel regarding the prisoner's care.
  - g. If after speaking with hospital staff it is determined that the prisoner will still be released from the hospital, the commanding officer or the night watch commander shall file a memo to the respective work location's assistant chief of police or inspector of police and the municipal lockup facility administrator.

- h. The officer shall convey this prisoner directly to CJF. This conveyance shall be done by police vehicle or by ambulance. Under no circumstances shall the prisoner be brought to any Milwaukee Police Department municipal lockup facility, regardless of the offense for which they were arrested.

C. PROTECTIVE CUSTODY OR TRANSFER OF PRISONER FOR EMERGENCY AND/OR NON-EMERGENCY MEDICAL CARE (FORM PP-42)

Prior to transport in a police vehicle, fire department paramedic unit or ambulance for medical care, the detaining officer shall:

1. Complete Form PP-42 in triplicate, except the block titled "Police Use Only."
2. Request the private ambulance representative making the conveyance to sign form PP-42 in the appropriate block.
3. Give the fire department paramedic unit or private ambulance representative the yellow and pink copies of the form (for medical facility and Fire Department records, respectively).
4. Complete the information required on the white original in the block titled, "Police Use Only."
5. Submit completed form (white original) to commanding officer for review and transmittal to the Open Records Division.

D. MEDICATION

1. Prescribed or over the counter medications, with the exception of inhalers, that are recovered from a prisoner during the arrest or booking process shall be placed on inventory and a property receipt shall be given to the prisoner. Inhalers shall remain with the prisoner's property until the prisoner is ready to be transported to CJF. The inhaler shall be placed on inventory and a property receipt shall be given to the prisoner prior to the prisoner being transported to CJF. Medication, with the exception of inhalers, may be left with a responsible third party adult or secured in the prisoner's residence with the consent of the prisoner. Members shall write down the names of all medications left with a responsible third party adult or at the prisoner's residence so the prisoner's required medication may be documented during the booking process.

**Note: Medication shall remain with the prisoner's property and shall be listed under the property tab in the Jail Management System (JMS) if the prisoner will be cited and released from the district station. The medication shall be placed on inventory if further investigation reveals the prisoner will be transported to CJF.**

2. If a prisoner is in possession of an inhaler with their identification on it or one in its original prescription box containing their identification, and depending upon the frequency with which it is required, the prisoner may be allowed to have access to it

upon request while in custody. If a prisoner is to be allowed to have access to an inhaler, the inhaler must first be examined to determine that it is functioning and does not contain contraband or a controlled substance.

3. Members shall notify their shift commander when a prisoner has, requires or requests medication, including inhalers.
4. Members shall not administer medication to any persons in custody (except an inhaler or naloxone).
  - a. The member providing, or allowing a prisoner to use, their prescribed inhaler shall document the day, time, circumstances necessitating the treatment, and any adverse reactions under the "Medical Evaluation Narrative" in JMS.
  - b. The member administering naloxone shall document the day, time, circumstances necessitating the treatment, and any adverse reactions under the "Medical Evaluation Narrative" in JMS. The member shall also follow the procedures in SOP 175 Administration of Naloxone.
5. Adult Prisoner In Need of Medication

Prisoners requiring frequent medications shall be conveyed to the Criminal Justice Facility (CJF) as soon as practical to avoid continuous medical runs by district personnel. If no other medical conditions exist, the PA-45 and the CR-215, if applicable, must be completed and signed by the shift commander. The prisoner shall be conveyed to CJF, in time for the next necessary dosage.

#### E. MEDICAL ALERT INFORMATION

Medical alert information is available through MINT. Medical alert information is required when filing an *Emergency Detention Report* (form PE-18), *Protective Custody or Transfer of Prisoner for Medical Care Report* (form PP-42), or *Sick and Injured Incident Report* in the Records Management System (RMS). The officer filing a report shall call the Criminal Investigation Bureau – Validation Desk and provide the medical alert code, the name, race, sex, date of birth, address, height, weight, aliases, operator's license number, social security number and the Milwaukee Police Department identification number (MPD ID) of the arrestee to ensure that new information is entered into MINT so new medical alert codes are generated in case future contact is made with the person.

#### F. MEDICAL RELEASE FROM HOSPITAL

1. When prisoners receive treatment from a hospital the attending medical facility personnel should supply the conveying officer with transfer paperwork. The transfer paperwork information shall be recorded in JMS under the Medical Evaluation Narrative. The conveying officer shall generate a copy of the medical report and attach it to the transfer paperwork accompanied with the *Transfer of Prisoner for Medical Care* report (form PP-42).
2. Under Wisconsin DOC Administrative Code 302.38, a prisoner may refuse medical

treatment, but this must be documented by medical facility personnel and accompany the prisoner's transfer paperwork to CJF.

3. When prisoners are to be released from a medical facility with a serious injury (e.g., gunshot wound, neck injury, broken bones), a Central Booking supervisor shall be contacted to determine if the prisoner shall be transported to Central Booking, Milwaukee Secure Detention Facility (MSDF), or CJF.

#### G. EMERGENCY DETENTION

If an officer has cause to believe that a prisoner falls within the legal standards for Emergency Detention, as defined in SOP 160 – Persons with Mental Illness, they are to summon the Mobile Crisis Team or convey them to the Behavioral Health Division for treatment prior to being booked at a department municipal lockup facility.

#### **090.20 PRISONER'S ANIMALS**

A prisoner in possession of an animal at the time of arrest may elect to release the animal to a third party at the scene. If the animal cannot be released to another person, the arresting officers shall refer to Standard Operating Procedure 060 - Animals. The final disposition of the animal shall be noted in the incident report if one is required.

#### **090.25 PRISONER'S VEHICLES**

To properly process a prisoner's vehicle not considered evidence in a crime, officers shall check the vehicle to determine if it is stolen or wanted. If the prisoner is present and capable of making a decision, the officers may allow the prisoner to choose one of the following options for the vehicle:

1. The vehicle may be released to a third party.
2. The officer may drive the vehicle to the closest area where it can be legally parked.
3. The vehicle may be left legally parked if not in a designated restricted zone.
4. Officers may arrange for a Prisoner's Property Tow in accordance with Standard Operating Procedure 610 – Towing of Vehicles.

#### **090.30 TRANSPORTATION OF ARRESTEES (WILEAG 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.8)**

##### A. SEARCH

1. Conveying officers shall at all times search the person in custody prior to transporting.
  - a. Members shall ensure physical disabled prisoners are searched in accordance with [Wis. Stat. § 968.256](#).
  - b. Members shall refer to SOP 117 Interactions with Transgender, Intersex, and/or



Gender Non-Conforming (TIGN) Persons for searches involving TIGN individuals.

2. At the beginning of each shift, and before and after each conveyance of an adult prisoner, juvenile detainee or citizen in a department vehicle, the conveying officer(s) shall conduct a thorough search of the rear passenger compartment of the police wagon or squad car for weapons, contraband, and/or unauthorized items and personal effects. At the beginning of each shift, officers shall also check their police wagon or squad car for mechanical condition, damage, required equipment, and weapons.  
(WILEAG 7.1.2.1, 7.1.2.2)

#### B. COMMUNICABLE DISEASES AND MEDICAL CONDITIONS

1. Police members making an arrest and/or conveyance shall immediately evaluate the physical condition of the person taken into custody. Prior to transport, either arresting or conveying officers are to ask the prisoner about their medical condition. Complaints of pain, or obvious injuries indicating an immediate need of medical treatment shall be acted upon.
2. The prisoner shall be asked if they have a medical condition such as diabetes, heart disease, seizures, asthma or high blood pressure. In addition, the prisoner must also be asked if they have any communicable diseases such as HIV, AIDS, MRSA, hepatitis, tuberculosis, crabs, lice, scabies, open sores, wounds or other condition requiring medical attention.
3. If the prisoner indicates they have a communicable disease or other condition requiring medical treatment, the member shall immediately notify their shift commander via telephone. The shift commander shall contact a Central Booking supervisor so a decision can be made as to whether to accept the prisoner or re-route the prisoner to a medical facility or CJF. If the prisoner is accepted, the shift commander shall notify the location where the prisoner is to be processed so a plan for safely handling the prisoner may be implemented. (Refer to SOP 210 - Communicable Diseases).

**Note: The conveying officer shall also notify the dispatcher that the prisoner has a condition but shall not provide any specific information over radio channel.**

4. If a prisoner has soiled themselves (e.g., vomit, feces, or urine), officers shall immediately determine if that person is in need of medical attention. If not, that prisoner shall be conveyed to Central Booking where they shall be provided a shower, as soon as possible. Any soiled clothes shall be placed in a biohazard bag. The prisoner will then be provided with proper attire.
  - a. CJF will not accept biohazard bags so they must be placed on department inventory in accordance with SOP 560 Property and/or disposed of with prisoner consent and documentation.

- b. Officers must ensure that the prisoner's clothing is no longer needed for investigative or evidentiary purposes before having it removed. If the clothing item is needed, it shall be placed on inventory as evidence by the conveying/arresting officer or detective while following the procedures in SOP 210. If the clothing item is not needed, officers shall ask the prisoner if it can be discarded and if not, place them on inventory as prisoner's property.
5. Officers will be cognizant of the fact that there are persons within the community who have mental illnesses that may require immediate treatment.

#### C. EXPECTORANT SHIELD

An expectorant shield shall be used for persons spitting or threatening to spit at officers. When it is used, officers shall request that a supervisor respond to the scene. The responding supervisor shall ensure that the use of the expectorant shield was appropriate. The expectorant shield is not reusable and shall be disposed of properly.

**Note: Officers should be cognizant of the fact that if they observe a prisoner excessively salivating, that this may be an indication that the prisoner could be in medical distress. (See SOP 090.15(A) - Medical Aid).**

#### D. TRANSPORTATION

1. The arrestee(s) shall be transported in a patrol wagon or patrol car equipped with a safety shield.
2. Arrestee(s) being transported in a patrol car equipped with a safety shield (limited to two arrestees) shall be restrained with the vehicle seat belt. Arrestee(s) being transported in a patrol wagon equipped with a prisoner restraint seat device shall be properly secured in the device. They shall also be restrained with handcuffs behind the back if practicable.
3. When conveying an arrestee(s), the transporting officer(s) shall maintain visual contact with the arrestee(s) whenever possible and shall otherwise remain cognizant of the arrestee(s) movements or actions.
4. Persons displaying violent behavior during and immediately after arrest shall be transported in a two-person patrol wagon equipped with a functioning squad video camera and adequately restrained. The passenger officer shall monitor the prisoner via the squad video camera and through the patrol wagon partition. If the squad video camera is not functioning properly, an officer shall accompany the violent person in the transport area during transportation. Conveyance officers shall monitor prisoners at all times during transport to ensure their safety. For any prisoners believed to be in medical distress during transport, members shall refer to SOP 090.15.
5. Safety and security dictate that communication between prisoners and their family, friends, or attorneys are not permitted during transportation. Refer to SOP 090.150 and 090.155, for communication with prisoners being held at municipal lockup

facilities.

6. In situations with multiple arrestees, mass arrests, or where individual transport is not practical, transgender, intersex, and/or gender non-conforming (TIGN) arrestees shall be transported by gender classification as outlined in SOP 117.

#### E. TIME AND MILEAGE

Officers may transport arrestees after notifying the dispatcher of the following:

1. Location of departure.
2. Odometer reading.
3. Arrival at the destination, including the destination location, odometer reading and whether a delay or detour occurred.
4. Further, officers shall note in their memo book the aforementioned transport.

#### F. TRANSPORT BY NON-ARRESTING OFFICER(S)

1. When the conveying officer(s) is not the arresting officer(s), the arresting officer shall complete an *Arrest/Conveyance Card* (form PA-7) and provide it to the conveying officer. The PA-7 shall include all the necessary information for the initial booking process and on-line data entry to be completed.
2. Arresting officer(s) shall complete paperwork at the location of the arrestee.

#### G. TRANSPORTATION OF DISABLED PRISONERS

1. Members shall take special precautions when transporting disabled prisoners.
2. An individual with a disability is defined by the Americans with Disability Act (ADA) as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.
3. Major life activities include such things as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. To be substantially limited means that such activities are restricted in a manner, condition, or duration in which they are performed in comparison with most people.
4. Restraining devices shall be used on disabled prisoners, unless it is apparent that their condition will not allow for the use of restraints.
5. If at the time of arrest a prisoner possesses a wheelchair, brace, crutch, artificial limb, walker, or cane, officers shall determine if they can be safely conveyed in a department vehicle. If not, officers shall request an ambulance for transportation. The arresting officer(s) shall ask the prisoner if they are able to walk without the

assistance of another individual or device. If the prisoner states they are unable to walk unassisted, or requires transport by ambulance instead of a squad car, the prisoner shall be conveyed directly to CJF.

6. Members will not lift or remove a person from a wheelchair unless the prisoner has requested assistance in doing so. Members will not lift a wheelchair off the ground by hand while it is occupied, except in situations where life threatening circumstances exist.
7. A disabled prisoner may need to be restrained by placing the handcuffs in the front. If a prisoner cannot be handcuffed, two members shall be utilized for the transport.
8. In circumstances where a prisoner is in possession of a service animal, refer to SOP 090.20 - Prisoner's Animals.
9. For incidents involving a deaf or hard of hearing prisoner, members should refer to SOP 190.30 - Limited English Proficiency (LEP) Hearing Impaired.

**090.35 MUNICIPAL LOCKUP FACILITIES (WILEAG 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.3.1, 7.3.10, 7.3.13, 7.3.20)**

**A. CENTRAL BOOKING**

Central Booking shall be the lockup facility for processing of adult and juvenile arrests that occur within the boundaries of District One.

**B. DISTRICT MUNICIPAL LOCKUP FACILITY**

District municipal lockup facilities shall be the municipal lockup facility for adult arrests that occur within the boundaries of the district. Other than Central Booking, only Districts 2, 3, 4, 5, 6, and 7 may act as municipal lockup facilities within the department. When placed in cells, adult and juvenile prisoners shall have visual and auditory separation at all times. The threshold for sound auditory separation is normal to loud conversation. Deliberate yelling of prisoners must be controlled to maintain this separation.

**C. DETENTION AREAS**

Detention areas are those areas within department facilities which are authorized for the processing, testing, interview/interrogation, and temporary detention of prisoners. These areas include: pre-book holding areas, booking rooms, OWI testing areas, interview rooms, and cell blocks. Prior to placing a prisoner in a detention area, arresting officers shall search the prisoner and conduct a physical check of the detention area, which includes but is not limited to a search for weapons and contraband. While in detention areas arresting officers shall monitor their prisoners at all times until placed within a cell. Bookers shall then monitor the prisoners in accordance with SOP 090.45(G).  
(WILEAG 7.2.4.2, 7.2.4.3)

#### D. PRISONER INTAKE

Upon transporting a prisoner to the district station, the prisoner shall be taken to the booking or processing area while in handcuffs. This area shall be free of movable furniture/furnishings which could be used as a weapon by a prisoner. This area shall consist of a space large enough to accommodate the prisoner's property, related inventories and packaging equipment.

#### E. MASS ARREST

In the event of a mass arrest incident, the district municipal lockup facility in which the incident occurred shall house all prisoners taken into custody. If the number of prisoners exceeds the capacity of that municipal lockup facility, the district shift commander shall make arrangements to transport the remaining prisoners to another municipal lockup facility coordinating with the Central Booking supervisor.

(WILEAG 13.1.1.2)

#### F. MAIL/PACKAGES

Under no circumstances will any municipal lockup facility accept mail or packages intended for a prisoner. Any such items will be returned immediately to the sender. If the sender is unknown the items shall be placed on inventory and a property receipt given to the prisoner.

(WILEAG 7.3.20.1, 7.3.20.2, 7.3.20.3, 7.3.20.4)

### **090.40 PRISONERS CONVEYED TO A DEPARTMENT MUNICIPAL LOCKUP FACILITY** **(WILEAG 1.7.4, 7.2.2, 7.2.4, 7.2.5, 7.3.4, 7.3.8, 7.3.9)**

#### A. ARRESTING/CONVEYING OFFICER'S RESPONSIBILITIES

1. The conveying officer(s) shall contact a Central Booking supervisor prior to conveyance of an arrestee to Central Booking with the exception of District One.
2. If upon arrival at a department municipal lockup facility it becomes apparent that a prisoner is in need of medical attention, the conveying officer shall ensure the prisoner is transported to a medical facility for treatment. Refer to SOP 090.15.
3. Prior to entering the booking area of the district station or Central Booking, the arresting or conveying officer shall conduct a thorough search of the handcuffed prisoner to ensure that they do not possess contraband, weapons, evidence, medication, or other item(s) that may be harmful to an officer, booking personnel or prisoner.  
(WILEAG 7.2.2.2)
4. Prior to entering the booking area of a district or the prisoner elevator of the PAB, all officers shall secure their firearms, knives, O.C., ECD, and batons in lockers provided by the department.  
(WILEAG 7.2.2.1)

5. The arresting or conveying officer shall temporarily secure the adult prisoner with handcuffs to an immovable fixed object that is designed and intended for such use, such as a bench, wall, rail, or inside a pre-book holding room, depending on the booking facility where the prisoner is processed. Securing a juvenile to an immovable fixed object and/or placing them into a cell initiates the six (6) hour in-custody rule.
6. The arresting or conveying officer shall complete all information required for the blotter.
7. The arresting or conveying officer shall notify the shift commander that a prisoner has been brought into the facility. That officer shall further explain to the shift commander the circumstances surrounding the arrest, to include the intended charge(s) and elements of the crime or ordinance violations, including medical conditions and the need for additional medical treatment (e.g., medications).

For safety purposes, prior to entering a booking room, each prisoner must be handcuffed behind their backs unless medical reasons or exigent circumstances prevent this from being possible. The prisoner shall remain in handcuffs until they are removed by the booker. All necessary precautions shall be taken to prevent escape or injury to the prisoner or others during the booking process.

(WILEAG 7.2.2.5)

8. Arresting/conveying officers shall assist the booker with the searching and escorting of the prisoner to a municipal lockup cell or room. If either the booker or the arrest/conveying officer believes that additional officers should be present during the booking process, they shall immediately notify the shift commander.
  - a. Members shall refer to SOP 117 Interactions with Transgender, Intersex, and/or Gender Non-Conforming (TIGN) Persons for searches involving TIGN individuals.
  - b. If the conveying officer is not the arresting officer, the conveying officer shall obtain and provide the booker with the necessary arrest information to include the time, location, arresting officer(s) PeopleSoft number and charges. This shall be done by completing the *Arrest/ Conveyance Card* (form PA-7). All officers are required to fill out a PA-7 when turning a prisoner over to the booker.
9. Only when the booker has completed the booking of a prisoner shall another prisoner be allowed in the booking area. While waiting to be booked, prisoners shall be detained in a secure area designated by the commanding officer/shift commander.

**Note: The arresting/conveying officer must remain with the prisoner throughout the booking process until such time as the prisoner is secured in a cell. At no time is the booker to be left alone with an unsecured prisoner.**

## B. PRISONER PROPERTY

1. Upon receiving a handcuffed prisoner, either juvenile or adult, a booker shall do a complete pat-down search for offensive items, being mindful of layered clothing. Bookers shall wear protective gloves during the search of all prisoners. Bookers are to be aware that street searches are conducted under less than optimal conditions with the principle concern being weapons. Contraband can be overlooked in hurried circumstances, thus bookers must perform a thorough custodial search. If a possibly offensive item is felt, the booker shall remove it, not the prisoner.  
(WILEAG 7.2.2.1, 7.2.2.2)
2. After the initial search, the booker shall remove all property from the prisoner's pockets, etc. The booker shall then remove any belts worn by the prisoner.
3. The booker shall conduct a second complete search. This second search is a priority safety issue. The booker shall remove the prisoner's shoes and socks and check them for weapons/contraband (syringes have been concealed in the soles of athletic shoes). Once completed, the handcuffs shall be removed unless the arresting/conveying/booking personnel determine that the threat level is excessive.

**Note: Any minor item (e.g., safety pins, pencils) can easily be used against an officer in a prisoner holding facility; therefore, conduct a thorough search.**

4. The prisoner shall remove all items except necessary clothing, including but not limited to watches, all jewelry, shoelaces, belts, drawstrings and hats. If the prisoner does not want drawstrings removed, the item shall be taken from the prisoner and transferred with the prisoner to the Criminal Justice Facility (CJF) for adults and VPJJC for juveniles.
5. Once all property has been removed, the following steps shall be completed in processing the prisoner's property inventory. Prior to sealing a prisoner's property bag, any personal items that alter a prisoner's appearance (e.g., wigs, glasses) shall be used by bookers to photograph additional appearances.
  - a. If their demeanor permits, the prisoner may observe as each item of their property is accounted for.
  - b. The booker shall count the prisoner's money slowly while they observe. Money shall be placed in a sealable plastic bag. The amount shall be written on the sealable plastic bag. All money shall be placed in a secure location by the booker. A notation shall be made in the comments section under the property tab that the money was placed in a secure location and that location shall be listed.
    1. If the prisoner possesses more than \$200, the booker shall contact a supervisor and count the prisoner's money slowly in the presence of the prisoner and the supervisor. The booker shall make a notation in the

narrative section under the property tab indicating the name of the supervisor that observed this process.

2. Jewelry valued over \$200 shall be sealed in a separate bag and handled the same as monies over \$200.
  3. Personal and payroll checks shall be listed by check number and amount.
- c. If no money is taken, the booker shall select the "no money" checkbox in the property section. When money is taken, the total must be indicated and checked against the amounts listed.
  - d. The booker shall place cell phone(s) in a separate bag.
  - e. All plastic bags shall be labeled across the top with the prisoner's name, race, and date of birth. When more than one bag is required to store a prisoner's property, the same information shall be written on each bag with additional labeling of "1 of 2," or "2 of 3," or "3 of 3," etc.

**Note: Prisoners are afforded only three heat sealed, general purpose property bags. All other property shall be placed on inventory with a property receipt then given to the prisoner.**

- f. Inhalers labeled with the prisoner's name shall be bagged separately following the guidelines established for bags. Refer to SOP 090.15(D) for further information on medications.
  - g. Prescription glasses, if not worn, shall be bagged separately.
  - h. All government documents and items of identification found on the prisoner must be listed under the property tab in JMS by selecting the appropriate article.
  - i. All prisoners' property that is not contraband or evidence shall be listed under the property tab in JMS, and shall be transferred with the prisoner to their place of confinement and securely stored.
1. Prisoner property that will not be accepted by CJF shall be placed on inventory and a property receipt shall be given to the prisoner. Prohibited items that will not be accepted at CJF include but are not limited to:
    - a. Personal prescription and over the counter medication.
    - b. Any form of a blade (e.g., pocket knives, multi-tools, shaving razors).
    - c. Large electronics (e.g., televisions, computers).
    - d. Large duffel bags, suit cases, oversized purses.



- e. Sleeping bags, pillows, blankets, and other linens.
- f. E-cigarettes and/or vaping materials.  
(WILEAG 7.2.4.2, 7.3.8.2, 7.3.9.6)

#### 6. Electronically Monitored Prisoners

- a. When a prisoner is wearing a non-GPS type electronic monitoring bracelet, officers will not remove the device from the prisoner's leg. These devices will be removed by MCSO personnel at CJF. The searching officer shall conduct a thorough search of the electronic device area for contraband/weapons.

- b. Monitoring Agencies

The following agencies shall be notified when electronically monitored prisoners are in custody:

- 1. House of Corrections  
Weekdays - 8:00 a.m. to 4:00 p.m., telephone [REDACTED]  
All other times - [REDACTED]
- 2. State Department of Corrections  
Weekdays - 7:00 a.m. to 4:30 p.m., telephone [REDACTED]  
All other times - [REDACTED]
- c. Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelets are non-GPS electronic monitoring devices. This bracelet monitors the prisoner's alcohol use and shall not be cut.
- d. When a prisoner is wearing a GPS type electronic monitoring device, the arresting/conveying officer must determine if the unit is the property of the Wisconsin Department of Correction (DOC), the Milwaukee County Sheriff's Office (MCSO), or the Vel R. Phillips Juvenile Justice Center.
  - 1. The DOC Sex Offender Units use [REDACTED] devices to monitor high profile sex offenders. These devices and their trackers should remain at the residence of the subject taken into custody. Typically, there will be a notice from DOC stating such posted near the tracker.
  - 2. The MCSO Electronic Monitoring Unit utilizes [REDACTED] GPS units to monitor individuals on house arrest or Huber release. The MCSO requests that they be notified when one of these individuals is taken into custody. If the prisoner does not know their GPS officer's name and telephone number, members should call the MCSO at [REDACTED]. The unit is not to be left at the residence of the prisoner. The unit should accompany the prisoner to CJF where the unit can be turned over to the MCSO. The unit should not be included in the prisoner's property.
  - 3. The Vel R. Phillips Juvenile Justice Center utilizes [REDACTED] GPS

bracelets that may be protected by a “tough strap” which are hardened plastic shrouds that encase the GPS strap and are meant to significantly reduce tampering of the device. Arresting/conveying officer(s) shall contact the Vel R. Phillips Juvenile Justice Center at [REDACTED] when a juvenile is arrested and wearing this type of GPS electronic monitoring device.

- e. The booker shall enter all of the prisoner's property under the property tab in JMS. The booker shall instruct the prisoner to sign the electronic signature pad, which indicates they agree all of the property is accounted for. The booker shall print two (2) copies of the form, which shall accompany the prisoner to the prisoner's next location. If the electronic signature pad is not working, the booker and the arrestee shall sign the paper copy.  
If the prisoner is uncooperative or refuses to sign the property receipt, a supervisor shall be summoned only in those cases where the prisoner complains of a property accounting discrepancy. If the refusal is based only on the lack of cooperation, the booker shall write “REFUSED TO SIGN” on the electronic signature pad and make a notation in the narrative section. A copy of the printed receipt shall accompany the prisoner's property and a copy shall be kept on file at the District/Central Booking. If the electronic signature pad is not working, the booker shall handwrite “REFUSED TO SIGN” on the paper copy.

#### 7. Release of Property at the District

- a. If a prisoner is released at a district station, the prisoner shall surrender their property receipt. The releasing officer shall, in the prisoner's presence, open the plastic bag containing the property. Prior to allowing the prisoner to sign for it, the releasing officer shall check it against the listed property on the receipt. Both the prisoner and the releasing officer must sign the receipt. If the prisoner refuses to sign, the shift commander shall be notified. If there is no valid reason for the refusal, the property shall not be released. It shall be resealed and the receipt returned to released prisoner with instructions for them to retrieve their property from Property Control within 30 days or it will be disposed of per SOP 560 - Property.
- b. If the released prisoner makes a claim of missing property to the shift commander/supervisor, the shift commander/supervisor shall note on the department's copy the property claimed to be missing and initial. The property should then be released to the prisoner and an investigation initiated.
- c. Partial Property Release - On occasion, it may be desirable/necessary to release some of the prisoner's property to a third party, e.g., keys to a spouse. Releasing this property is done at the shift commander / supervisor's discretion. The prisoner must indicate on the property receipt what property is to be released and to whom, and sign the property receipt for partial property returns. A supervisor must also sign the form. After verifying the identity of the receiving party by picture I.D., the receiving party must also sign the property receipt. Partial property release requires an update in JMS.
- d. If the property listed on a property receipt is determined to be evidence, or not

that of the prisoner's, it shall be released to an officer for placement on inventory. The following notations must be made on all copies of the property receipt: time released, inventory number, name of the officer receiving property, and signature of authorizing supervisor. The property location code for the item shall also be changed (e.g., evidence, safekeeping).

- e. Criminal Investigation Bureau prisoners will receive their property from the head jailor and follow the above procedures.  
(WILEAG 7.3.9.6)

**090.45 BOOKER'S RESPONSIBILITIES (WILEAG 1.7.4, 7.2.2, 7.2.4, 7.3.5, 7.3.9, 7.3.10, 7.3.11, 7.3.18)**

**A. ACCOUNTABILITY**

Bookers shall be held accountable for the supervision of all prisoners while held in a municipal lockup facility. This includes the safety and well-being of prisoners during the entire booking process and subsequent confinement at the work location during the booker's tour of duty and until properly relieved. It shall be the responsibility of the booker to immediately notify the shift commander of:

- Complaints of medical conditions
- Injuries
- Communicable diseases
- Complaints of excessive force
- Missing property

**Note: Shift commanders at all work locations shall be responsible for assessing a prisoner's medical condition(s) as needed, which may require transport to a medical facility and/or CJF.**

**B. SAFETY ISSUES**

Bookers shall be thoroughly familiar with emergency medical procedures (e.g., Automated External Defibrillator (AED), CPR, First Aid Kit, Self-Contained Breathing Apparatus, evacuation plan, emergency exits, fire extinguishers). Safety equipment shall be inspected weekly by the booker and kept in an accessible area. Bookers shall at the minimum conduct hourly inspections of all areas within the work location municipal lockup facility to ensure they are clean and free of contraband or weapons. Refer to 090.45(G) for cell block safety.  
(WILEAG 7.2.2.1, 7.2.2.2, 7.3.5.2)

**C. EQUIPMENT**

Bookers shall not wear a duty belt (e.g., "Sam Brown" belt). They may not possess O.C. canisters or batons on their person. Bookers may possess cell block keys, emergency response knife, flashlight, and handcuffs for escorting and securing prisoners. At the conclusion of each shift, the booker shall turn over the cell block keys

and emergency response knife to the relieving booker.

#### D. PRISONER MEDICAL INTAKE SCREENING

The prisoner medical evaluation process screens for the physical and mental health of the prisoner, including suicidal thoughts or past attempts, medications (both prescription and over the counter), behavior (including state of consciousness and mental acuity), physical impairments, deformities, trauma markings, bruises, lesions, jaundice, mobility issues, and injuries (treated and untreated). Medical information is considered confidential. Medical alert code numbers are not considered confidential. (WILEAG 7.2.4.1, 7.3.9.2, 7.3.9.3, 7.3.9.4, 7.3.9.5)

1. The booker shall obtain the following information on prisoners who state they are on medication:
  - a. Name of medication;
  - b. Dosage;
  - c. Required daily intake;
  - d. Medical condition being treated by the medication;
  - e. The last dosage received; and
  - f. The next scheduled dosage (e.g., 4 hours, 8, hours, 24 hours).

The shift commander or Central Booking supervisor shall assess and determine if medical transport is required to a medical facility and/or transport to CJF by the officer/district of where the arrestee committed their crime. All prisoners with fentanyl patches must be conveyed directly to CJF after notification to a Central Booking supervisor in accordance with SOP 090.15(B)(3). District shift commanders may contact a Central Booking supervisor for guidance. (WILEAG 7.3.9.3)

2. The medical evaluation tab, located in JMS must be completed when a prisoner is booked. A copy of the signed medical report shall accompany the prisoner when transported to another location.
3. If a prisoner responds "YES" to any question on the medical questionnaire, the booker shall provide an explanation in the narrative section for that question. Prisoners who are depressed or suicidal, sick or injured, first time inmates, or those under the influence of alcohol/drugs shall be monitored in accordance with SOP 090.45(G). Such action shall be noted on the printed copy of the medical report and brought to the attention of the shift commander.
4. The prisoner shall be asked to sign the completed medical form utilizing the signature pad. The booker shall also sign the completed medical form utilizing the signature pad. If the prisoner refuses to sign the form, the booker shall write

“Refused to Sign” in the remarks section located under the Medical Evaluation tab.

**Note: If a prisoner refuses to answer specific questions, the booker shall select “R-Refused to Answer” and make a notation for the particular question(s) in the narrative section. The booker shall personally notify the shift commander of the responses as soon as practical, and the shift commander shall ensure that appropriate attention and precautions are taken with such prisoners.**

5. Medical information entered into JMS will be a part of the booking record. A printed copy of a prisoner’s medical information shall be retained at the district station or the Central Booking Division. A printed copy of the medical information shall be transferred with the prisoner upon transfer to another law enforcement or corrections agency.  
(WILEAG 1.7.4.4)

#### E. MEDICAL ATTENTION REFUSAL

When a prisoner arrives at a municipal lockup facility and a medical condition comes to the attention of any officer or booker, they shall adhere to [Wis. Stat. § 302.38](#):

1. If a prisoner requests medical attention, the arresting/conveying officers shall either request appropriate medical attention or transport them to a medical facility for treatment.
2. If a prisoner refuses medical attention, write “Refused Medical Attention” across the front of the printed copy of the medical information and retain at the district station or Central Booking. This information shall also be noted in the narrative section located under the Medical Evaluation tab in JMS before a copy is printed.

#### F. ADULT PRISONER DETENTION TIMES

1. Following the conclusion of processing, testing, interviewing and/or interrogation, a prisoner shall be placed within a cell. Bookers shall then monitor the prisoners in accordance with SOP 090.45(G).
2. Prisoners at district stations shall not be held more than 8 hours unless placed on an investigative hold in accordance with SOP 090.75.
3. If a person is held for more than 8 hours, arrangements shall be made to supply a meal for the prisoner and for every 8 hours thereafter. The booker shall document a meal was supplied to the prisoner in JMS under the Inmate log.
4. Any prisoner held for more than 24 hours shall be provided one hot meal in the evening and allowed to shower, if requested, or as the staff deems necessary. The booker shall document a hot meal was supplied to the prisoner and any showers taken by the prisoner in JMS.

**Note: Prisoners shall only be allowed to shower at the Central Booking**

**Division.**

5. No prisoner shall be held more than 72 hours; doing so would be the exception, not the rule. Every effort should be made to transfer the prisoner as soon as possible.

**G. CELL BLOCK CHECKS**

1. The department shall maintain 24-hour supervision of all prisoners. Bookers shall conduct a head count of the prisoner population at the start and end of their shift to ensure a head count of the prisoner population is taken every eight hours.
2. Bookers shall conduct a physical check of each cell at the start of the shift, end of the shift, and before and immediately after any prisoner is removed from a cell. This check includes, but is not limited to a search for weapons, contraband, and assessing the overall condition of the cell. Bookers shall notify their shift commander if they recover weapons or contraband or if the cell requires repairs during this physical check. The shift commander shall document the recovery of weapons or contraband or if the cell requires repairs in the work location's day book and determine if further investigation is needed.
3. Bookers shall conduct a visual cell block check at staggered and random intervals, not to exceed 15 minutes, a minimum of five times an hour and shall log the information on the *Daily Cell Block Check - Adults* (form PD-4A).

**Note: If the prisoner has been identified as having a special problem as defined by [DOC § 349.12\(1\)](#), the booker shall also conduct a physical inspection of the cell every 15 minutes and log the information on the *Daily Cell Block Check - Adults* (form PD-4A).  
(WILEAG 7.3.11.1, 7.3.11.2)**

4. Bookers shall conduct a visual cell block check of juveniles at staggered and random intervals, not to exceed 15 minutes, a minimum of five times an hour and shall log the information on the *Daily Cell Block Check - Juveniles* (form PD-4J).

**Note: If the prisoner has been identified as having a special problem as defined by [DOC § 349.12\(1\)](#), the booker shall also conduct a physical inspection of the cell every 15 minutes and log the information on the *Daily Cell Block Check – Juveniles* (form PD-4J).  
(WILEAG 7.3.11.1, 7.3.11.2)**

5. Shift commanders shall physically enter the cell block and conduct a visual check of each cell at least once per shift. This check includes visually inspecting the *Daily Cell Block Check* cards for staggered and random interval cell checks performed by the booker do not exceed 15 minutes and are a minimum of five times an hour. Checks will be documented by the shift commander on the *Daily Cell Block Check - Adult* (form PD-4A) and *Daily Cell Block Check - Juveniles* (form PD-4J) in red ink.

6. During cell block checks prisoners shall not obstruct views or conceal themselves in a cell with sleeping mats, clothing, or other items. The booker shall ensure that the prisoner is present in the cell and has no apparent physical problems.
7. A *Daily Cell Block Check - Adult* (form PD-4A) and *Daily Cell Block Check - Juveniles* (form PD-4J) shall be maintained even if the cell block is empty. However, visual checks are not needed if the cell block is empty.

#### H. CELL ASSIGNMENT

Bookers shall place prisoners in opposite cells facing each other to minimize the possibility of prisoners attempting to harm themselves. Adult and juvenile prisoners shall have visual and auditory separation at all times while in department detention areas. Bookers shall only escort or remove a prisoner from a holding cell or room with the assistance of an officer.

(WILEAG 7.2.4.5)

#### **090.50 COMMANDING OFFICER'S/SHIFT COMMANDER'S RESPONSIBILITIES (WILEAG 1.7.4)**

- A. District and investigation division commanders and shift commanders shall be responsible for the proper and humane treatment of prisoners conveyed to and confined at their respective work locations.
- B. The shift commander shall view the booking process via the video screen contained in his/her office and ensure the audio is at an acceptable level.
- C. Commanding officers shall ensure the digital camera system is functioning and being monitored at all times. In the event a complaint is made against a department member concerning the booking process, or unusual circumstances are present, the shift commander shall ensure the information stored on the digital camera system is downloaded and placed on department inventory.
- D. In the event of a severe backlog in prisoner processing at a district station, the district shift commander shall notify a Central Booking supervisor. If the backlog cannot be resolved, the Central Booking supervisor shall notify the municipal lockup facility administrator, or their designee. If the municipal lockup facility administrator, or their designee, is not available, the night watch commander shall be notified.
- E. The shift commander or other supervisor in charge shall verify that the booker/arresting officer has entered the booking information into JMS as soon as practicable. After the shift commander verifies that the entry is completed, fingerprints and photographs have been captured (when applicable), a completed PA-45/CR-215, and *I.D. Confirmed Form* (form PI-4) and all movement/release codes entered into JMS, the arrestee shall be transferred or released from the municipal lockup facility. Prisoner processing is not complete until the Forensics Division personnel PeopleSoft number is entered into the "Final Release" field in JMS.  
(WILEAG 1.7.4.4, 1.7.4.5)

**090.55 PRISONERS FROM OTHER AGENCIES (WILEAG 7.3.12)**

Officers receiving prisoners from outside agencies shall require positive identification from the person presenting the prisoner for detention and confirm their authority.

**090.60 PERSONNEL RESTRICTED FROM ENTERING CELL BLOCKS (WILEAG 7.2.2)**

Only personnel specifically assigned to cell block duty (e.g., bookers, jailors, supervisors and custodial workers) shall be allowed in any cell block. Other members may enter the cell block with the booker, only with the permission of the shift commander or in exigent circumstances. Members that have entered the cell block in an emergency situation must promptly report their presence to the shift commander.  
(WILEAG 7.2.2.3)

**090.65 TOOLS/CULINARY CONTROL (WILEAG 7.3.6)**

- A. Prisoners shall not have access to culinary utensils.
- B. Prior to maintenance personnel or outside vendors entering any municipal lockup facility, authorization must be received from the shift commander or acting shift commander. Outside vendors shall have an escort at all times while within the cell block until departure.
- C. Bookers shall conduct a physical check of each cell before and immediately after any maintenance personnel or outside vendor has completed any maintenance work on a cell. This check includes, but is not limited to a search for tools, weapons, contraband, and assessing the overall condition of the cell. The booker shall document the cell check on the *Daily Cell Block Check - Adult* (form PD-4A) or *Daily Cell Block Check - Juveniles* (form PD-4J).

**090.70 MUNICIPAL LOCKUP FACILITY AMENITIES (WILEAG 7.2.6)**

All department municipal lockup facilities shall have a minimum standard regarding the physical amenities available to prisoners. These amenities include access to water, restrooms, and medical attention. In the case of prisoners held for 24 hours or longer refer to SOP 090.45(F).

**090.72 MUNICIPAL LOCKUP FACILITY EMERGENCIES (WILEAG 7.2.2, 7.2.7, 7.3.19)**

- A. All municipal lockup facilities within the department shall have a plan for fire prevention, fire suppression, and emergency evacuation. One copy of this plan shall be posted in each booking room within the department and one copy kept in the shift commander's office.
- B. Each department municipal lockup facility shall have an audio/video surveillance and panic alarm system to assist monitoring the activities within detention areas and to alert members of any possible emergencies. Surveillance systems shall be used in such a way as to not invade the personal privacy of any prisoner, but to help maintain a safe environment.



(WILEAG 7.2.2.4)

**090.75 INVESTIGATIVE HOLDS (WILEAG 1.7.4)**

- A. A shift commander or higher authority may authorize a prisoner "hold" at Central Booking. Authorization shall be placed within 8 hours of the prisoner's arrival at the municipal lockup facility. When completed, the original PA-45 and CR-215 shall be retained by the respective investigating division. The hold shall only be for a maximum of 72 hours. The respective investigating division supervisor must reconfirm the "hold" every 8 hours. Central Booking supervisors shall authorize the transport of a prisoner to CJF nearing their 72-hour hold time.
- B. Prisoners on "hold" may be held at Central Booking or any department municipal lockup facility.
- C. The Central Booking supervisor is responsible for the well-being of all prisoners at Central Booking and has the authority to reject prisoners for medical reasons, including those on investigative holds. Central Booking has two observation cells that may be utilized to temporarily house prisoners that require more frequent monitoring due to their medical condition. If both observation cells are occupied, and an incoming prisoner's medical condition dictates the need for more frequent monitoring, that prisoner may be rejected. If a prisoner on investigative hold and/or awaiting interrogation is rejected, the Central Booking supervisor in charge shall notify the shift commander of the location responsible for the arrest.

The Central Booking supervisor and shift commander shall attempt to resolve the possible rejection while taking into consideration the prisoner's medical needs. The respective supervisor shall contact the municipal lockup facility administrator for guidance or in their absence, the on-duty night watch commander. If rejected, options to consider may be medical treatment, direct and constant monitoring by an officer from the district for which the crime occurred, and immediate interrogation. If rejected, the shift commander shall ensure that the PA-45 and CR-215 are accurate and complete and then immediately delivered to the Central Booking supervisor in charge.  
(WILEAG 1.7.4.4)

- D. A prisoner on investigative hold or awaiting interrogation by a member may be rejected on a case-by-case basis by Central Booking supervisors for one or more of the following reasons:
  - 1. The prisoner has displayed behavior or made statements that necessitate emergency detention pursuant to [Wis. Stat. § 51.15\(1\)](#) or have been deemed suicidal by the Crisis Assessment Response Team or Behavioral Health Division.
  - 2. The prisoner has an injury or is in medical distress. (See SOP 090.15)
  - 3. The prisoner requires the administration of medication at regular intervals.
  - 4. The prisoner has physically assaulted department member(s).

5. As a result of an emergency or catastrophe that threatens the safety of prisoners and department members.
- E. The respective investigating division supervisor requesting the hold shall complete the *Prisoner Status Report* (form PP-9E), which shall be kept with the shift commander where the hold occurred and provide a copy to a Central Booking supervisor. The PP-9E shall be updated at the beginning of each shift.
- F. The supervisor requesting the “hold” shall enter the prisoner’s information on the Central Booking Directives Intranet Prisoner Holds page. The entry shall include the prisoner’s full name, sex, race, DOB, and charges(s).
- G. At the beginning of each shift, the Central Booking supervisor in charge shall determine if there are any investigative holds. The Central Booking supervisor in charge shall contact the work location that requested the hold and determine if there is a need for the hold to continue. When the respective investigating division supervisor continues the hold, that fact shall be logged on the Central Booking Directives Intranet page and the PP-9E updated. The Central Booking supervisor in charge shall continue with this notification at every 8-hour interval thereafter.
- H. Prisoners placed on an investigative hold for 24 hours or longer shall be provided a warm meal during the evening meal only. The morning and afternoon meal will be the standard meal provided to all prisoners at Central Booking. Prisoners placed on investigative hold for 24 hours or longer shall also be allowed to shower, if requested, or as the staff deems necessary. These additional comforts shall be documented on the PP-9E.
- I. The original PP-9E shall be filed at the work location where the hold occurred.

**090.80 PRISONERS CONVEYED TO CJF (WILEAG 1.7.4, 7.1.5, 7.1.7, 7.2.4, 7.2.11, 7.3.5)**

- A. CJF is the detention facility for adult prisoners after booking, processing, fingerprinting, and photographing is completed at district stations or Central Booking.
  1. A complete booking entry into JMS, fingerprints, prisoner photographs, Arrest/Detention Report (PA-45), CR-215, and PI-4 shall be completed prior to the arrestee being conveyed to any detention facility.  
(WILEAG 1.7.4.4, 1.7.4.5)
  2. The conveying officer(s) shall contact a Central Booking supervisor for approval to transport the prisoner(s) and their property to the CJF sally port located at 948 N. 10<sup>th</sup> Street.
  3. While at CJF all members shall adhere to the MCSO policies regarding the handling and transfer of prisoners into their custody.  
(WILEAG 7.1.5.1)
  4. Upon arrival, conveying officer(s) shall secure their duty belt with all weapons on their persons (e.g., firearm, O.C., batons, knives) in the lockers provided by the

MCSO before entering the booking area.  
(WILEAG 7.1.5.2)

5. The conveying officer(s) shall escort the prisoner(s) into the booking area. Prisoner(s) shall remain handcuffed at this time.

#### B. PRISONERS SCREENED AT THE DISTRICT

Conveying officers shall present the prisoner and all related paperwork to Central Booking personnel assigned to CJF. The Central Booking officer shall review the reports for accuracy and completeness and evaluate the physical condition of the prisoner. Once this is completed, they shall take custody of the prisoner and the conveying officer may go back into service.  
(WILEAG 7.1.5.3)

#### C. PRISONERS CONVEYED DIRECTLY TO CJF

1. Situations may occur which require prisoners to be conveyed directly to CJF.
2. All department members shall contact a Central Booking supervisor prior to conveying a prisoner from the location of arrest directly to Central Booking, MSDF, or CJF.
3. In the event a combative, violent, or self-destructive prisoner is conveyed directly to CJF, a supervisor shall meet the conveying officers at CJF to approve and notarize all required paperwork.
4. Officers shall notify the sheriff's department personnel, or any agency taking custody of the prisoner, of any security threats, security risks, unusual security risks or medical issues involving the prisoner.  
(WILEAG 7.1.5.4)
  - a. Arresting/conveying officer(s) shall complete the necessary sections of the PA-45, CR-215, and PI-4A including obtaining the prisoner's right index fingerprint and affix it to the back of the PA-45, where designated. The officer(s) shall stand by until the PA-45, CR-215, and medical assessment reports are approved and the prisoner has been searched. The officer shall complete an *Adult (or Juvenile) Arrest Clearance Non-Booking* report in RMS to generate the PA-45 and CR-215.
  - b. One copy of the PA-45 and CR-215 will be forwarded to the Forensics Division.

#### D. PRISONERS CONVEYED DIRECTLY TO MSDF

MSDF is a detention facility for adult prisoners (felony VOPs only) after booking, processing, fingerprinting, and photographing is completed at district stations or Central Booking.

1. Prisoners not on file with MPD require a complete booking entry into JMS,

fingerprints, prisoner photographs, and an *Arrest/Detention Report* (form PA-45) shall be completed prior to the arrestee being conveyed to MSDF.  
(WILEAG 1.7.4.4, 1.7.4.5)

2. When prisoners are on file with MPD, the arresting/conveying officer(s) may complete an *Adult Arrest Clearance Non-Booking* report in RMS to generate the PA-45. The prisoner's right index fingerprint is to be affixed to the back of the PA-45 where designated. One copy of the PA-45 will be forwarded to the Forensics Division.
3. All department members shall contact a Central Booking supervisor for approval to transport the prisoner(s) and their property to MSDF located at 1015 N. 10th Street.

#### E. CONTRABAND

When prisoners are transferred to CJF and MCSO personnel recover contraband during their booking search, the following procedures shall apply.

1. The prisoner shall remain the custody of the MCSO.
2. The MCSO will contact a Central Booking supervisor and the arresting officer / district shall respond to CJF to assume custody of the contraband and investigate.
3. The Central Booking shift commander receiving notification of contraband shall be responsible for the following:
  - a. Completing a written report of the circumstances which will be routed to the member's commanding officer for appropriate action and for notification.
  - b. Faxing a copy of the written report to Court Administration at [REDACTED] to ensure the officer's reports are all inclusive with the amendments to charges, inventories, etc.
4. Court Administration personnel shall be responsible for presenting the case to the district attorney's office for charges in accordance with SOP 150 Court Procedures.

#### F. CUSTODY REFUSED AT CJF

1. If the booking control deputy refuses to accept the prisoner for medical reasons, the conveying officer(s), if still onscene, shall take the prisoner to the appropriate medical facility for treatment. If no longer onscene, the prisoner conveyance shall be handled by the district in which the crime occurred. The conveying officers shall document on the PP-42 the precise medical reasons for the refusal to admit the prisoner to CJF. After treatment, if the prisoner is not admitted to the hospital, the conveying officer(s) shall return the prisoner to CJF with the medical release paperwork.
2. Central Booking will be notified any time a prisoner is rejected by CJF. A Central

Booking supervisor will notify the Technical Communications Division to dispatch a squad from the district in which the arrest occurred, to convey the prisoner for medical clearance.

3. The conveying officer(s) shall notify the Central Booking head jailor at extension [REDACTED] of the time they depart and the time they return to CJF to ensure prisoner movement is updated in JMS.
4. If for any reason a person arrested on municipal charges is refused entry to CJF, the member shall contact the Central Booking supervisor in charge for direction.

#### **090.85 CHARGES ISSUED IN ORDER-IN CASES (DATA ENTRY)**

- A. When charges are issued in order-in cases and a summary arrest is made, Central Booking personnel shall be responsible for entering the arrest data.
- B. Officers shall escort the prisoner to Central Booking for prisoner screening and processing. The arresting officer(s) shall assist the booker by supplying all needed information to complete the booking process in JMS.
- C. When all entries are complete, the prisoner shall be fingerprinted and photographed.
- D. All arrest reports shall be reviewed for accuracy and completeness by the District One shift commander. The prisoner's right index fingerprint shall be affixed to the back of the PA-45, where designated.
- E. Once approved, the booker shall be notified to enter the supervisor's PeopleSoft number into JMS.
- F. Prior to the arrestee being transported/released from Central Booking, the property events shall be created and completed in JMS.

#### **090.90 MUNICIPAL CITATION AND PERSONAL RECOGNIZANCE ARRESTS (WILEAG 1.7.4)**

##### **A. ARRESTS ELIGIBLE FOR RELEASE**

1. An arrest for a municipal citation with a future court date only (other than possession of marijuana or possession of drug paraphernalia).
2. An arrest for a uniformed traffic citation with a future court date only.
3. An arrest for (1) or (2) above where the prisoner is an out-of-state violator who posts a deposit.
4. An arrest for a municipal warrant where the prisoner can be released via personal recognizance only.

## B. CRITERIA FOR RELEASE

1. The prisoner is non-violent.
2. The prisoner's identity is known.
3. The prisoner's fingerprints and photographs are on file.
4. There is no other legal or investigative reason to detain the prisoner beyond the arrest criteria listed above in SOP 090.90(A).

**Note: If an arrest falls under [Wis. Stat. § 165.83](#) as referenced in Section 090.110(A), or if the arrest does not meet the category and criteria established above, a complete booking process, including fingerprints, photographs, JMS entry, etc., is required.**

## C. JMS PROCESSING

1. The arresting officer shall complete the necessary paperwork (e.g., citations, personal recognizance bonds) and provide the appropriate copies to the prisoner. Officers shall include a legible fingerprint on all citations issued. Arrests processed pursuant to this section do not require prisoner's property to be inventoried, a PA-45, an arrest package, photographs, fingerprints, or entry into JMS. (WILEAG 1.7.4.4, 1.7.4.5)
2. If the prisoner is booked in on a municipal citation the shift commander shall verify that the entry is completed, fingerprints and photographs have been captured, and all movement and release codes entered into JMS. Only when this is completed shall the prisoner be transferred or released from the department municipal lockup facility. Prisoner processing is not complete until the Forensics Division personnel PeopleSoft number is entered into the "Final Release" field located on the last screen of the release tab.
3. The arresting officer shall promptly release the prisoner from police custody and notify the shift commander of such action taken.

**Note: A person arrested on a releasable citation or municipal warrant shall be processed in a timely manner. A timely manner has been deemed by the courts as the period of time it reasonably takes to complete paperwork. Shift commanders may contact a Central Booking supervisor for guidance.**

## D. IDENTIFICATION

1. Prior to releasing a prisoner pursuant to this section, the arresting or conveying officer shall confirm the prisoner's identity by capturing their fingerprints via the MorphIDent Identification device, which is located within each booking area. Only the Forensics Division can verify a person's identity.

2. If the identity of a prisoner is in question, a complete booking process shall be performed, including a 10-print identification, photographs, JMS entry, etc.

#### **090.95 PRISONER SCREENING AND JMS (WILEAG 1.7.4)**

##### **A. GENERAL PROCEDURE**

In general, all male persons arrested by members shall be conveyed to the district station of the district in which the arrest occurred. If adult females are not subject to release at the district station, they may still be booked at the district station (Districts 2-7) in which the arrest occurred (prior to transport to Central Booking or CJF).

##### **B. INVESTIGATIONS DIVISION ARRESTS**

When an arrest is made of a person who is wanted for an offense related to an investigations division incident, that prisoner shall be conveyed directly to Central Booking for processing. Prior to this conveyance the arresting officer(s) shall contact their shift commander, who shall contact the investigations division shift commander from which the investigation is being conducted to notify them of the arrest. The Central Booking supervisor shall be notified of arrest transports for multiple arrests and/or keep separate arrests prior to transport to Central Booking to coordinate transport with other municipal lockups, if required. When such an arrest occurs, reports related to that arrest are to be reviewed and approved by the shift commander of the appropriate Criminal Investigation Bureau division.

#### **090.100 PRISONER MOVEMENT (WILEAG 1.7.4)**

- A. All prisoner movements, up to and including final destination shall be recorded under movements in the "Inmate Log" tab in JMS. Proper date, time, and location codes shall be entered for all records. Every prisoner movement requires an *Order to Detain* (form PO-3) or an *Order to Release* (form PO-4) be completed. These forms are to be date and time stamped for each movement and given to the booker. The booker will record the movement in JMS and give the form to the shift commander for retention while the prisoner is in house. If a prisoner is transferred to another municipal lockup facility (e.g., Central Booking or another district), the PO-3 and/or PO-4 shall follow the prisoner. If a prisoner is transported to CJF, is administratively released, or is released with a future court date, the PO-3 and/or PO-4 shall remain in the booking area for 30 days and be retained by the work location for a period of one year.

##### **B. ADDITIONAL CHARGES**

If additional charges are required and the prisoner has been booked out of JMS (but is still in custody at CJF), an *Adult (or Juvenile) Arrest Clearance Non-Booking* report in JMS must be completed. The prisoner's right index fingerprint shall be affixed to the back of the PA-45 where designated.

- C. One copy of the PA-45 and CR-215 shall be forwarded to the Forensics Division.

**090.105 JMS BECOMES INOPERABLE (WILEAG 1.7.4)**

- A. If a booking room becomes inoperable, Central Booking, the Information Technology Help Desk and the Forensics Division shall be contacted.
- B. Members shall utilize the blotter to record the arrested person's information. The booker shall also notify the shift commander or Central Booking supervisor.
- C. Ensure that a right index fingerprint is placed on the back of the original handwritten *Arrest Detention Report (PA-45)*. The original arrest report and completed PI-4A form shall accompany an adult prisoner to CJF. A copy shall include a notation in red ink, 'BOOKING DOWN' and shall be hand carried to the Forensics Division. The Forensics Division shall deliver the copies to Central Booking for entry once the system becomes operational.
- D. If the prisoner has a damaged or missing right index finger, the left index fingerprint is to be obtained.
- E. Adults shall be conveyed to CJF. Juveniles shall be conveyed to Central Booking where a full set of inked fingerprints shall be taken along with digital mug shots.  
(WILEAG 1.7.4.5)
- F. Central Booking personnel shall take 3 photographs of each juvenile using a digital camera supplied by the Forensics Division. One (1) front shot, one (1) profile shot and one (1) frontal shot with the juvenile holding their demographic information written on a 8.5 x 11 piece of paper. The printing shall be in bold writing using a Sharpie marker for a clear view of the prisoner's information and MPD ID number. All photographs must be taken in front of the gray backboard located in the booking room.  
(WILEAG 1.7.4.5)
- G. The compact flash card located in the digital camera shall be delivered to the Forensics Division after each shift. An empty flash card shall be used at the beginning of every shift.
- H. Inked fingerprint cards shall include identification information written on the front of the card in legible block printing. The back of the card shall include date of offense, arrest charges, and the name and PeopleSoft number of the officer who took the prints.
- I. The inked fingerprint cards shall be hand carried to the Forensics Division to complete the identification process.
- J. The Forensics Division shall notify the Central Booking supervisor when the prisoner has been identified and can be released.
- K. When JMS becomes operable, Information Technology shall contact district stations, Central Booking, and the Forensics Division by phone, providing notification that normal booking and prisoner processing may resume. The shift commander or Central Booking supervisor shall ensure that all relevant information pertaining to arrested persons obtained during the system's inaction is entered into the system.



(WILEAG 1.7.4.5)

**090.110 MANDATORY BOOKING FOR ADULTS (Wis. Stat. § 165.83) (WILEAG 1.7.4)**

- A. [Wis. Stat. § 165.83](#) states the department is required to obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested for a felony, misdemeanor offense, or a violation of an ordinance involving any of the following:
- Burglary tools
  - Commercial gambling
  - Gambling devices
  - Contributing to the delinquency of a child
  - Stolen property
  - Controlled substances or substance analogs under [Wis. Stat. § 961](#)
  - Firearms
  - Dangerous weapons
  - Explosives
  - Pandering
  - Prostitution
  - City loitering-prostitution related
  - Sex offenses when children are victims
  - Worthless check
  - Disorderly conduct cases relating to any of the above
- B. Persons arrested for any of the above violations shall be conveyed to a district station or Central Booking for a complete booking in JMS (e.g., fingerprints, photos).
- C. For juvenile procedures refer to SOP 140 – Juveniles.  
(WILEAG 1.7.4.5)

**090.115 MORPHIDENT IDENTIFICATION DEVICE AND JMS ENTRY AT MUNICIPAL LOCKUP FACILITIES (WILEAG 7.3.8)**

- A. The MorphIDent Identification device shall only be used to book and process arrested persons into JMS.
- B. Once the prisoner has been properly searched, the booker shall use the MorphIDent to determine the prisoner's identity.
- C. The booker shall use the identification results from the MorphIDent when entering a prisoner into JMS. The results will be one of the following:
1. No Hit (green) displaying an OK

This indicates that the prisoner's fingerprints were not matched to an existing criminal or applicant record with MPD.

2. Hit (red) displaying the prisoners last name and mugshot

A hit will show the prisoner's MPD ID #, Name, date of birth, sex, and race.

### **090.120 PRISONER FINGERPRINTS (WILEAG 1.7.4, 7.3.8)**

#### **A. LIVE-SCAN SYSTEM**

1. A full set of fingerprints and palm prints shall be taken from all prisoners when applicable.
2. Fingerprint and palm print data will be automatically transferred to the Forensics Division for identification processing.

#### **B. VERIFICATION OF FINGERPRINTS BY FORENSICS**

1. All fingerprints transmitted to the Forensics Division shall be processed for positive identification and assigned a Local Identification Number (LID). This number shall be entered into the Numeric Identifiers section (on the Demographics page) in JMS by Forensics Division personnel.
2. The booker shall confirm that the identification process of the arrestee has been completed by refreshing the screen in the processing section of JMS until the prisoner's name no longer appears. The booker shall verify that the "Ident" event has been completed by the prisoner processor from the Forensics Division by checking the Inmate History. This procedure shall be done with all arrests before a prisoner is allowed to be released or transported from any department municipal lockup facility.
3. When the booker is notified that the prisoner has provided false information, immediate notification shall be made to the shift commander. The shift commander shall ensure that a new wanted check is performed based on the new information and additional charges considered (e.g., obstructing). The shift commander shall ensure that the booker updates the arrest record in JMS; including alias information in JMS. The shift commander shall ensure that all charges have been entered into JMS before the prisoner has been booked out.  
(WILEAG 1.7.4.5, 7.3.8.1)

### **090.125 PRISONER PHOTOGRAPHS (WILEAG 7.3.8)**

- A. If prisoners have scars, marks, or tattoos (SMT), booking officers shall identify the scars, marks, or tattoos in JMS under the Demographics tab.
- B. The arrestee shall be photographed using the "Digital Mug Shot System." This shall include items that alter an arrestee's appearance (e.g., wigs, glasses).
- C. When photographing a prisoner with a tattoo, photographs of the tattoo must be taken under the heading "SMT" or the information will not be retrievable.

- D. When photographing a scar, mark, or tattoo (SMT), the booker must click on each individual SMT tab to photograph the proper SMT associated with the record. The first photograph must show the subject's face in relation to the SMT. The second photograph must be a close up photo of the SMT.
- E. The department does not conduct strip searches to obtain SMT photos. If a SMT is located on a private area of a subject's body (e.g., near or on a female's breast or near or on the groin area), do not take the photo but instead document in detail. Refer to SOP 085 - Strip Searches.

### **090.130 PHOTOGRAPHIC DATA SHEET (WILEAG 7.3.14)**

A "Photographic Data Sheet" shall be generated after the booking, identification and supervisory approval phases of the process have been completed. Prior to transporting the prisoner, it is the booker's responsibility to examine the "Photographic Data Sheet" to verify the information and photograph. The "Photographic Data Sheet" shall be attached to the *Arrest Detention Report* (PA-45) and must accompany the prisoner to CJF.

### **090.135 DNA SPECIMEN COLLECTION**

Members shall utilize the eTIME system to determine if an arrestee is required to provide a DNA specimen. If the arrestee has not provided a DNA specimen as required by state statute, the Milwaukee Police Department shall collect the DNA specimen during the booking process. If a DNA specimen needs to be collected by the Milwaukee Police Department, the arrestee (either adult or juvenile) shall be conveyed to the Central Booking Division. Common collections on required offenses include robbery, burglary, sexual assault, operating vehicle without owner's consent, battery to school official, etc.

#### **A. ADULT ARRESTEES REQUIRED TO PROVIDE A DNA SPECIMEN DURING THE BOOKING PROCESS**

1. Adults summarily arrested for a violent crime as defined by [Wis. Stat. § 165.84\(7\)](#) shall have a DNA specimen collected at the Central Booking Division only if he/she will be released from custody after the booking process (e.g., released with future court date and cite and release). Adults being transported to the Criminal Justice Facility after the booking process will have the DNA specimen collected by the MCSO. Members shall refer to the DNA Specimen Collection poster for statutes that require DNA specimen collection, and members may contact Central Booking with any questions related to DNA specimen collection.
2. Any arrestee with a "DNA Collection Needed" order in their Wisconsin Criminal History in eTIME (pursuant to a qualifying conviction in [Wis. Stat. § 165.76](#)) shall have a DNA specimen collected at the Central Booking Division only if they will be released from custody after the booking process (e.g., cite and release and/or transported to the Vel R. Phillips Juvenile Justice Center). Adults being transported to the Criminal Justice Facility after the booking process will have the DNA specimen collected by the MCSO.

## B. JUVENILE ARRESTEES REQUIRED TO PROVIDE A DNA SPECIMEN DURING THE BOOKING PROCESS

1. All arrests require eTIME verification for DNA specimen collection.
2. Juveniles summarily arrested for a violent crime as defined by Wis. Stat. § [165.84\(7\)](#) or taken into custody for a juvenile offense that would be a violent crime as defined by [Wis. Stat. § 165.84\(7\)\(ab\)](#) if committed by an adult in this state shall have a DNA specimen collected at the Central Booking Division. Juveniles who are arrested and have a “DNA Collection Needed” order in their Wisconsin Criminal History in eTIME (pursuant to a qualifying conviction in [Wis. Stat. § 165.76](#)) shall have a DNA specimen collected at the Central Booking Division. Members shall refer to the DNA Specimen Collection poster for statutes that require DNA specimen collection, and members may contact Central Booking with any questions related to DNA specimen collection.

## C. ARRESTING OFFICER RESPONSIBILITIES

1. The arresting officer shall review the Wisconsin Criminal History in eTIME to determine if “Arrest DNA Sample is on File” or “Conviction DNA is on File” for an arrestee summarily arrested for a violent crime as defined by [Wis. Stat. § 165.84\(7\)](#).
  - a. If “Arrest DNA Sample is on File” or “Conviction DNA is on File” in eTIME, no additional DNA specimen shall be collected from the arrestee.
  - b. If “No DNA Sample is on File” in eTIME, the arresting officer shall transport the juvenile prisoner to Central Booking to collect a DNA specimen from the arrestee during the booking process. If an adult, and being released with a future court date, transport to Central Booking for DNA specimen collection prior to release from custody.
2. The arresting officer shall review the Wisconsin Criminal History in eTIME to determine if the arrestee has a “DNA Collection Needed” order pursuant to a qualifying conviction in [Wis. Stat. § 165.76](#). If the arrestee has a “DNA Collection Needed” order, the arresting officer shall have a DNA specimen collected at the Central Booking Division only if they will be released from custody after the booking process (e.g., cite and release and/or transported to the Vel R. Phillips Juvenile Justice Center). Adults being transported to the Criminal Justice Facility after the booking process will have the DNA specimen collected by the MCSO.
3. The arresting officer shall notify Central Booking when an arrestee’s DNA collection is needed.

## D. BOOKER RESPONSIBILITIES

1. Only Central Booking personnel trained in the collection of a DNA specimen shall collect a DNA specimen from an arrestee.

2. All bookers shall verify if the arrestee is required to provide a DNA specimen pursuant to a qualifying conviction in [Wis. Stat. § 165.76](#) or summarily arrested for a violent crime as defined by [Wis. Stat. § 165.84\(7\)](#).
3. Central Booking personnel shall log in to eTIME to complete the electronic *Wisconsin DNA Databank Buccal Swab Collection Kit Submission Form* (form DJ-LE-106) if a DNA specimen is required.
4. The *Wisconsin DNA Databank Buccal Swab Collection Kit* shall be used for the DNA specimen collection. The member collecting the DNA specimen shall follow the collection kit's instruction for the collection and submission of a DNA specimen.
5. Central Booking personnel shall ensure the completed and sealed *Wisconsin DNA Databank Buccal Swab Collection Kit* is placed in the Central Booking Division's outgoing mail after the booking process.

**Note: If the collection kit's seal is broken or has been tampered with, the member collecting the DNA specimen shall discard the kit and use a new kit.**

#### E. REFUSALS

If the arrestee refuses to provide a DNA specimen, the booker shall inform the subject that they are in violation of [Wis. Stat. § 946.52](#) (Failure to Submit Biological Specimen), and if they continue to refuse to provide a DNA specimen, they will be referred to the Milwaukee County District Attorney's Office for an additional charge of Failure to Submit Biological Specimen. The arresting officer / detective shall file all necessary reports related to [Wis. Stat. § 946.52](#) Failure to Submit Biological Specimen.

1. The arresting officer / detective shall complete and submit a *Video File Request Form* (form PV-10E) if the refusal was captured via the department's booking room video system at the district. The arresting officer shall send a copy of the video to the Milwaukee County District Attorney's Office when the video is obtained by the member.
2. If the incident occurred at Central Booking, the department member shall send an email to the municipal lockup facility administrator with the following prisoner information: name, booking number, date, and location of incident (e.g., intake, photograph, search room).

#### **090.140 PRISONER DISPOSITION CODES**

- A. Whenever a prisoner is released at a district station or Central Booking, the booker or head jailor shall ensure that the appropriate release and charge disposition codes are entered into JMS.
- B. When it is determined by the reviewing supervisor that there is not enough probable cause to charge a subject, the subject shall be released from custody with no further

action. The case will not be ordered in or reviewed by the district attorney, and the disposition code shall be entered as AREL. The booker shall make a notation in the narrative section under Maintenance to include the name and PeopleSoft number of the shift commander authorizing the administrative release, including the date, the time, and the reason for the release. The booker shall also create an AREL Event in the Inmate Log.

- C. If the subject is released and ordered into the district attorney or VPJJC, the disposition code in the booking should be RELF.

**090.145 ARREST REPORTS (WILEAG 1.7.4, 7.3.9)**

- A. A PA-45, and a CR-215 (if required), shall be completed for all adults taken into custody outlining the probable cause for arrest and detention. A CR-215 must be notarized. A copy of the completed PA-45 and CR-215 (if required) that has been reviewed and signed by a supervisor shall be sent to Open Records for imaging. (WILEAG 1.7.4.4, 7.3.9.1)
- B. *Arrest Detention Reports* and required package information shall be reviewed by the district shift commander, the respective Criminal Investigation Bureau division commander, and/or a Central Booking supervisor.
- C. Supervisors shall ensure that a legible right index fingerprint is placed on the back of all PA-45 reports. In the event that the prisoner has a damaged or missing right index finger, the left index fingerprint is to be obtained and indicated as such on the PA-45. Supervisors shall ensure that the MPD ID/LID# is displayed in the MPD ID# field on the top of the PA-45.
- D. When applicable, the case number shall be recorded on the *Arrest Detention Report* (PA-45), *Pedigree Information* (PA-45A), *Prisoner Statement* (PA-45B) and *Charge Supplemental* (PA-45C).
- E. Members shall include the Criminal Arrest History/NCIC runoff and warrant and commitment information in packages prepared by department personnel. The completed PA-45 and CR-215 shall accompany prisoners taken to CJF. (WILEAG 1.7.4.4)
1. In-state warrants shall be confirmed with the Milwaukee County Sheriff's Department or the originating agency (ORI). The warrant information shall be included in the prisoner's package.
  2. Out of state felony warrants
    - a. Out of state felony warrants must be confirmed through Forensics Division clerical support staff. The confirmation teletype is to be included in the prisoner package that is taken to CJF. A copy of the confirmation teletype, arrest report and positive hit sheet must be faxed to the Forensics Division - Extradition Unit.
    - b. The Extradition Unit will obtain a copy of the warrant from the ORI and

complete the extradition process.

**090.150 PRISONER VISITORS AT A DISTRICT STATION OR CENTRAL BOOKING (WILEAG 7.3.21)**

- A. Department members requesting to enter a municipal lockup facility or interview any prisoner confined therein shall first receive authorization from the respective shift commander of said facility.
- B. No visitors, except for attorneys, shall be allowed a personal interview with a prisoner. Any visitor interested in speaking to a prisoner shall be referred to the Criminal Justice Facility (CJF) once the prisoner has been transferred there.
- C. When an attorney requests to interview a prisoner who is in MPD custody, the shift commander of the respective Criminal Investigation Bureau division in which the arrest occurred shall be notified. Attorney visits are at the discretion of the shift commander of the respective Criminal Investigation Bureau division in which the arrest occurred and are not required to be granted. If granted, the prisoner shall be brought to a proper place in the facility where the prisoner may consult with counsel and shall at all times be properly guarded from escape.

**090.155 TELEPHONE REQUESTS**

Generally, prisoners requesting a telephone to contact friends, relatives, or counsel are permitted the use of a telephone following their arrival at the Criminal Justice Facility (CJF). However, shift commanders may allow a prisoner in custody for a misdemeanor or a municipal violation the use of a telephone. A prisoner in custody for a felony may be allowed the use of a telephone with the approval of the respective Criminal Investigation Bureau division shift commander. If any such request is granted, bookers shall dial the number for the prisoner and record the prisoner's name, date, time and number called in their memo book.

**090.160 RELEASE OF INFORMATION ON ARRESTED ADULTS**

Refer to SOP 570 - Public Information Policy

**090.165 PRISONER RELEASED AT A DISTRICT OR CENTRAL BOOKING (WILEAG 7.3.14)**

**A. PRISONER RELEASED OR TRANSFERRED**

- 1. Whenever a PA-45 has been completed and a prisoner is released from a work location, the reviewing supervisor shall ensure that the appropriate prisoner entry code(s) is made on the PA-45 as well as in JMS by entering the Forensic Division personnel PeopleSoft number into the "Final Release" field.
- 2. Each prisoner shall be positively identified by the Forensics Division through fingerprint confirmation prior to being released or transferred.

**B. ADMINISTRATIVE RELEASE (AREL)**

1. Per [Wis. Stat. § 968.08](#), “A law enforcement officer having custody of a person arrested without a warrant may release the person arrested without requiring the person to appear before a judge if the law enforcement officer is satisfied that there are insufficient grounds for the issuance of a criminal complaint against the person arrested.”
2. Shift commanders and acting shift commanders may approve the administrative release of a prisoner with no further action. All instances of prisoners being administratively released shall be noted in the work location daybook.
3. Shift commanders and acting shift commanders shall ensure that prisoners administratively released from custody with no further action have been processed, e.g., information entered into the JMS, photographs, fingerprints and a PA-45 generated for supervisory review.
4. The arresting officer shall complete an *Administrative Release* report in RMS including the name and PeopleSoft number of the shift commander authorizing the administrative release, the date and time, and the reason for the release. The shift commander authorizing the administrative release shall approve the report.
5. The original PA-45 shall be retained at the work location, and “Administrative Release” shall be written across the top of the PA-45 in red ink.
6. A copy of the PA-45 with “Administrative Release” in red ink written across the top shall be sent interoffice mail to the Forensics Division (attention Identification System Specialist).

**090.170 HOSPITALIZED PRISONERS (WILEAG 1.7.5, 7.1.9)****A. PRISONER ADMITTED TO HOSPITAL**

As a result of HIPAA and Wisconsin privacy laws, area hospitals are not required to contact our department to inform shift commanders regarding the condition of or provide discharge information on prisoners. The federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 mandated regulations that govern privacy standards for health care information. HIPAA's privacy regulation became effective April 2003, and specifies the circumstances under which protected health information may or may not be released. In general under HIPAA, either a patient or a patient's representative must authorize disclosure of protected health information or the disclosure must fit a specific exception in order for protected health information to be disclosed to law enforcement. Should an arrestee be conveyed to a hospital for medical treatment and subsequently admitted to the hospital, the arresting officer(s) shall do the following:

1. Notify his/her shift commander of the admittance to hospital.
2. Arresting officers shall maintain custody of their prisoners if they are receiving



medical treatment at a hospital.

3. Officers will not leave a prisoner unguarded while they are receiving medical treatment.
4. Members shall never place a "hospital hold" on a prisoner, thereby leaving them alone at the hospital.
5. The only exception to this will be for those prisoners being held under Chapter 51 provisions or when a hospital guard is initiated. The use of "hospital holds" shall only continue as it relates to prisoners who need to be medically cleared prior to being transferred to the Psychiatric Crisis Service (PCS) center to be held under Chapter 51 provisions or those held at PCS prior to being processed for criminal charges. The officer shall complete a blue *Medical Discharge Notice* (PD-35ED) and request that the charge nurse place it on the prisoner's medical chart. Officer(s) shall request that the charge nurse notify the shift commander of the district in which the arrest occurred when the person is about to be released.
6. For prisoners arrested for felonies or domestic violence related incidents, officers shall not place a hospital hold on them, unless those prisoners are being held at PCS.

**Note: Officers shall consult with their shift commanders and perform risk assessments of each prisoner to determine if leaving them unguarded at a hospital will pose a danger to hospital staff or result in the high probability of escape. If this risk is too great, officers should stay at the hospital until the prisoner is cleared.**

7. Officers shall consult with their shift commanders of prisoners in need of medical attention to determine if they should:
  - Issue the prisoner a municipal citation
  - Release the prisoner with an order-in date to the district attorney's office
  - Administratively release the prisoner and apply for an arrest warrant
  - Evaluate with the shift commander if a hospital guard should be initiated
8. If a prisoner is admitted to a hospital under a hospital guard, the prisoner's property shall be placed on inventory.
9. In the event that hospital issues arise that cannot be resolved at the shift commander level, a referral shall be made to the respective commanding officer or the night watch commander (depending on the time of the day).

#### **090.175 PROCESSING PROCEDURES – ADMITTED PRISONERS**

- A. The officer shall complete an *Adult (or Juvenile) Arrest Clearance Non-Booking Report* in RMS to generate the PA-45 and CR-215. All reports shall be filed immediately after the person has been admitted to the medical facility. After review by the shift commander, the reports shall be routed as indicated. One copy of the PA-45 and CR-

215 shall be forwarded to the Forensics Division.

- B. The original PA-45 and CR-215 and confirmations of any local or out of jurisdiction warrants, capiases or other "wants" shall be retained at the shift commander's office of the district in which the arrest occurred or the Criminal Investigation Bureau until the arrestee is released from the hospital and transported to the district station or Central Booking for the completion of the booking process or if the prisoner is conveyed directly to CJF. The original PA-45 and CR-215 shall accompany the arrestee to CJF.
- C. Monday through Friday, 6:00 a.m. to 4:00 p.m., and Saturday and Sunday, 6:00 a.m. to 2:00 p.m., Court Administration personnel are on duty at the district attorney's office (CJF-room 110). During those hours, shift commanders shall ensure the following reports are delivered in person to the district attorney's office room 110 as soon as possible after the arrest for charging. When Court Administration personnel are not on duty at the district attorney's office, shift commanders shall ensure the following reports are delivered to Central Booking.

**Note: The requirement that probable cause be set within 48 hours does not change when a prisoner is admitted to a hospital. Probable cause and bail must be set for a felony or a signed criminal complaint must be obtained for a misdemeanor within 48 hours from the time of arrest.**

The following reports are required for the D.A. review:

1. One (1) copy of the PA-45 and CR-215.
  2. One (1) copy of the complete *Incident Report* and any other department forms and reports.
  3. One (1) set of the *D.A.'s Complaint Work Sheet, Referral Packet Checklist from Law Enforcement to the Milwaukee County District Attorney's Office, Witness Subpoena Data Sheet, Criminal Arrest History/NCIC runoff and Criminal Case Scheduling Calendar*.
  4. The entire package of reports shall be placed in a clear plastic bag or envelope. A completed *Medical Discharge Notice* (form PD-35ED) shall be placed on the plastic bag. On the PD-35ED, print the name and room number of the hospital where the person is located.
  5. A copy of the criminal complaint must be included if charges are issued. All paperwork must stay with the shift commander.
- D. For liaison cases, the liaison officer shall present the case for review to the charging assistant district attorney. For non-liaison cases, the arresting officer shall present the case to the charging assistant district attorney. After the case has been reviewed, the arresting officer presenting the case for review shall then notify the Court Administration liaison officer and the respective work location shift commander of the disposition of the case.

- E. The liaison officer shall then notify the district shift commander of the results of the review and the name of the reviewing assistant district attorney. The shift commander shall enter that information on the original PA-45 on the appropriate line for each charge reviewed and sign his/her name and rank in the "remarks" space. If charges are issued, the original PA-45 shall accompany the prisoner when they are delivered to CJF.
- F. In the event that charges are issued and it becomes necessary to obtain an arrest warrant for the person admitted being held on a hospital guard or an Emergency Detention (ED) "hold", shift commanders shall notify Court Administration personnel, who shall obtain an arrest warrant.
- G. In the event that no charges are issued and no warrants are pending, the person will not be processed and the guard/hold removed. The shift commander shall indicate such on the original PA-45 and CR-215 and retain the original PA-45 and CR-215 at the district station/ Central Booking, filed by month, for a period of 1 year. The shift commander shall ensure that Court Administration is updated. The shift commander shall also notify the charge nurse at the hospital and inform them that there is no longer an ED hold on their patient. Bookers should follow the procedures set forth in SOP 090.190, and enter the appropriate disposition code into JMS.
- H. If a person who has not been arrested is at a hospital and any police member determines that the person has warrants or other charges pending, the member shall contact their shift commander to determine whether a hospital guard/hold shall be authorized. The arresting member shall complete an *Adult (or Juvenile) Arrest Clearance Non-Booking* in JMS. One copy of the PA-45 and CR-215 shall be forwarded to the Forensics Division.

**090.180 JMS - PRISONERS CONVEYED FROM A MUNICIPAL LOCKUP FACILITY TO A TREATMENT FACILITY**

- A. When a prisoner is conveyed to a municipal lockup facility and later to a medical or mental treatment facility where they are admitted, the booker shall enter the known prisoner information into JMS as soon as practicable. As much arrest and booking information that can be obtained without delaying the medical treatment shall be entered.
- B. When a prisoner is conveyed to a treatment facility, a movement event shall be created in the Inmate Log in JMS.
- C. The arresting officer shall then complete all necessary reports. The PA-45 shall be reviewed and retained by the district shift commander who will note the treatment facility location and any other circumstances that may require a future update.
- D. For medical clearance refer to SOP 090.170(A). When medically cleared the conveying officer(s) shall transport the prisoner back to the work location where the booking process was initiated.
- E. The district shift commander or Central Booking supervisor shall ensure that the booker receives the original PA-45. The booker shall then complete the movement event in

JMS. The booker shall check to see that all arrest and booking information is completed.

F. The prisoner shall then be fingerprinted and photographed.

G. Prisoner identification status shall be verified by checking the "Ident" event located in Inmate History.

### **090.185 HOSPITAL GUARD OF PRISONERS (WILEAG 1.7.4, 7.1.9)**

#### **A. ESTABLISHING A HOSPITAL GUARD**

1. When a prisoner has been arrested for a felony, serious misdemeanor or a domestic violence related offense and is hospitalized at any medical facility after the arrest, the arresting officers shall notify their shift commander.
2. If a decision is made to provide a guard, the shift commander of the district in which the arrest occurred shall then assign a sergeant to establish the hospital guard and provide an officer(s) for hospital guard duty.
3. A hospital guard will be considered "in place" after the designated room has been inspected by a sergeant and the prisoner has been transferred to the room.

#### **B. ARREST/DETENTION REPORT (PA-45)**

1. When a hospital guard is established, the original PA-45 and CR-215, if applicable, shall remain with the district shift commander that established the hospital guard. The arresting officer shall complete an *Adult (or Juvenile) Arrest Clearance Non-Booking* in the Records Management System (RMS) to create and print the PA-45 and CR-215. One copy of the PA-45 and CR-215 shall be forwarded to the Forensics Division.
2. It is the responsibility of the shift commander of the respective investigative division in which the crime occurred to assign personnel to obtain the probable cause determination and bail setting (see SOP 090.175).

#### **C. JMS PROCESSING**

1. If the prisoner has already been completely booked in at a municipal lockup facility, the booker shall enter the code in the Inmate Log.
  - a. If the prisoner has been partially booked in at a municipal lockup facility, the code "HOSG" shall be entered and indicate in the remarks section that the prisoner was not completely booked in and what still needs to be completed (e.g., no fingerprints and photographs taken).
  - b. If the prisoner was taken directly to the hospital for medical treatment and was admitted without being booked in, nothing shall be entered in JMS. The prisoner will only be booked into JMS if they are returned to a municipal lockup facility.

2. Upon the return of the arrestee to a municipal lockup facility, the booking process shall be completed. Prisoner movements, including release codes, shall be entered. The original PA-45, shall be attached to the updated documents.
3. If no charges are issued by the district attorney's office prior to release of the individual from the hospital, the shift commander shall ensure that the guard is cancelled and the appropriate disposition code is entered into JMS.  
(WILEAG 1.7.4.4)

#### D. SUPERVISION OF GUARDS

1. The shift commander of the district that established the hospital guard shall be responsible for the supervision of the officer performing the guard duties.
2. The shift commander shall assign a sergeant to inspect the officer performing the hospital guard duties at least once per shift.

#### E. SERGEANT'S RESPONSIBILITIES

Sergeants establishing a hospital guard shall perform the following tasks:

1. *Hospital Guard Duty Report* (form PM-9HE)
  - a. The sergeant assigned to establish a hospital guard shall confer with the district/investigations division shift commander to determine if there are any special instructions and shall then file the *Hospital Guard Duty Report*.
  - b. The report shall contain special instructions for the guards.
  - c. The sergeant filing the *Hospital Guard Duty Report* shall disseminate copies of the report according to the following distribution schedule:
    - Original to work location hospital guard file
    - Copy to work location sergeant's office
    - Copy to work location roll call board
    - Copy to work location console
    - Copy to Central Booking
    - Copy to respective Criminal Investigation Bureau division
    - Copy to Technical Communications Division
2. Obtain one set of leg irons and ensure they are functioning properly.
3. Obtain a portable radio charger and extra radio battery. Determine if the portable radio is capable of transmitting from that location. If not, alternative arrangements must be made.
4. Convey the aforementioned items to the hospital guard location.

5. Ensure that the prisoner's name does not appear in the hospital register of patients. This procedure is for the added security of both the officer and prisoner.
6. Room Inspection

The sergeant shall conduct a thorough inspection of the hospital room. Safety and security are the principal concerns for both the guarding officer as well as the person in custody. When conducting a room inspection the sergeant shall consider the following:

  - a. Ensure the room is equipped with a telephone and that it is not within the prisoner's reach. If necessary, there are two telephone extension cables available at the Third District shift commander's office.
  - b. Determine where all room doors lead.
  - c. Determine the location of keys for all doors with locks.
7. If the sergeant determines that special circumstances exist, the sergeant shall consult with hospital personnel to determine if the special circumstances can be accommodated and notify their shift commander of same.
8. The sergeant shall then post the guard on the prisoner and shall provide the officer with the original PM-9HE. The sergeant shall ensure the officer has read and understands the instructions as noted in the PM-9HE. The original PM-9HE shall remain with the officer performing guard duties.

#### F. POLICE OFFICERS PERFORMING HOSPITAL GUARD DUTIES

1. Officers assigned to hospital guard duty shall be fully equipped and remain alert, vigilant and professional at all times. Officers assigned to guard duty shall remain with their prisoner at all times. Officers that must leave the presence of the prisoner shall arrange for relief. Maintaining the safety and security of a hospital prisoner is the officer's primary responsibility. If there are any questions relative to their duties, the officer shall contact his/her shift commander.
2. *Hospital Guard Duty Report* (form PM-9HE)

The *Hospital Guard Duty Report* includes instructions for the officers performing guard duties, as well as the "Officer's Log" section. Officers assigned as a guard shall sign in/out on the "Officer's Log" section.
3. Change of Shift
  - a. At each change of shift, each officer shall obtain any additional information or instructions from the officer being relieved.
  - b. The relieving officer is responsible for all the reports and equipment of the hospital guard during his/her tour of duty. Upon commencing his/her tour of

duty, the officer shall check to ensure all the equipment is functioning properly and shall notify his/her shift commander of any malfunctioning equipment.

#### 4. Telephones

- a. Prisoners shall not be allowed to make or receive telephone calls.
- b. Officers may use the telephone for legitimate police related reasons.
- c. Officers shall obtain hourly marks by telephone by contacting their respective district console. The console operator shall then notify the officer's dispatcher who shall enter that information into the CAD system.

#### 5. Leg Irons

Leg irons shall be on the prisoner at all times, except when medical personnel direct the officer to remove the leg irons for medical purposes. If directed to remove the leg irons, the officer may request the assistance of an additional officer to maintain security of the prisoner.

**Note: The officer, not the hospital staff, is responsible for the safety and security of the prisoner.**

#### 6. Portable Radio

- a. When possible, officers shall monitor the radio talk group of the district in which the hospital is located or the radio talk group of the closest district if the hospital is located outside the city of Milwaukee.
- b. Officers experiencing radio problems shall immediately contact their district shift commander.

#### 7. Eating Utensils

Officers should be aware that eating utensils may be used as weapons. They shall ensure that all eating utensils used by the prisoner are returned to hospital personnel.

#### 8. Release of Information

Officers assigned to hospital guard duty shall not release information regarding the prisoner to anyone except hospital personnel for medical reasons. Any other requests for information shall be referred to the manager of the Public Information Office.

9. For security purposes, hospitalized prisoners are not allowed to have visitors.

**090.190 TERMINATION OF THE HOSPITAL GUARD**

- A. A hospital guard shall be terminated when one of the following occurs:
1. An attending physician determines that the prisoner is medically cleared to be transferred to a municipal lockup facility, MSDF, or CJF. A Central Booking supervisor shall be notified of a prisoner's release from the hospital to determine if the prisoner should be transported to Central Booking, MSDF, or CJF. The Central Booking supervisor shall also ensure that the appropriate physician-to-physician call has been made to MSDF or CJF if that is the desired location for the prisoner. A prisoner shall not be conveyed from the hospital until a Central Booking supervisor makes this determination.
  2. The custody of the prisoner is transferred to another jurisdiction.
  3. If, after review of the charges by a district attorney, no charges or lesser charges are issued, the shift commander of the district in which the arrest occurred shall then determine the status of the hospital guard.
- B. At the termination of the hospital guard, the officer shall immediately notify their shift commander. The shift commander shall then instruct the officer to return the equipment and the original *Hospital Guard Duty Report* to him/her.
- C. The shift commander receiving notification that the guard has been terminated shall ensure that termination notifications are made to all locations according to the distribution schedule noted on the *Hospital Guard Duty Report*.
- D. All medical documentation to include any written instructions and medication regimens shall accompany the prisoner.

**E. RETENTION SCHEDULE**

The district that established the hospital guard shall retain the *Hospital Guard Duty Report* (form PM-9HE) at their work location according to the existing retention schedule. Copies of the report that were sent to other work locations may be destroyed if not needed for administrative purposes.

**090.195 PROBABLE CAUSE / BAIL DETERMINATION FOR FELONY OFFENSES**

- A. Court commissioners conduct probable cause hearings from 8:15am to 5:00pm weekdays. Weekend hearings are 8:15am to 4:30pm or until the last case is completed. Notification to the weekend court commissioner by 1:00pm is required when a case needs to be presented after 1:00pm, and members can contact Central Booking for assistance. It is imperative that department members ensure the prisoner's paperwork is received in a timely manner for review.
- B. When a prisoner is arrested on any summary felony charge, regardless of whether there are additional charges, and the prisoner is transferred to CJF within 36 hours of their initial arrest, the probable cause determination and the setting of bail shall typically



be the responsibility of the Milwaukee County Sheriff's liaison when Intake Court is in session or through the designated court commissioner. On weekends, holidays or when Intake Court is not in session, it shall be the responsibility of the shift commander of the investigating division to assign personnel to obtain the probable cause determination and have bail set through the court commissioner.

- C. If the prisoner is to be held in the custody of the department for more than 36 hours from the time of the initial arrest, the following procedures apply:
1. When intake court is in session, the shift commander of the investigating division shall assign personnel to take the original PA-45/CR-215 to the intake court commissioner. The court commissioner shall review the PA-45/CR-215 for probable cause and, if found, shall set bail. The shift commander of the investigating division shall be notified if no probable cause is found.
  2. If probable cause has been determined and bail set, the assigned detective shall make two (2) copies of the signed PA-45/CR-215. One (1) copy shall be given to the court liaison officer and one (1) copy shall be given to the MCSO liaison. The original PA-45/CR-215 shall be returned to the shift commander of the investigating division and shall remain there until the prisoner is transferred to CJF after notification has been made that probable cause has been determined and bail set.
  3. The shift commander of the investigating division shall update the PP-9E in the Central Booking Directive Intranet Prisoner Holds page with the date, time, and court commissioner who found probable cause and the amount of bail set.

**Note: In accordance with Riverside v. California, no person may be held on summary felony charges for more than 48 hours without a probable cause determination. For summary misdemeanor charges, no person may be held for more than 48 hours without a signed criminal complaint.**

## **090.200 PRISON RAPE ELIMINATION ACT- PREA**

### **A. PRISON RAPE ELIMINATION ACT**

The Prison Rape Elimination Act (PREA) of 2003 is a federal law designed to combat the sexual assault of prisoners. The law provides for the analysis of assault incidents and its effects on prisoners at the federal, state and municipal levels. The law also requires agencies to marshal information, resources, recommendations, and funding to protect individuals from prisoner sexual assault.

### **B. DEPARTMENT PREA POLICY**

1. The Milwaukee Police Department has a zero tolerance policy regarding incidents of sexual abuse and sexual harassment of prisoners.
2. It is the policy of the department to provide a safe, secure, and humane environment for prisoners, free of the threat of sexual abuse and sexual harassment. The

- department will maintain a program for prevention, detection, response, investigation, and tracking of any incidents of sexual abuse or sexual harassment to any prisoner while in the custody of one of its members and/or while in a department municipal lockup facility.
3. The Milwaukee Police Department does not tolerate prisoner sexual abuse, sexual assault, sexual misconduct, sexual contact or sexual harassment by a prisoner or member of the department. Allegations of sexual misconduct by prisoners or department members will be thoroughly investigated and when warranted, discipline and criminal prosecution will be pursued.
  4. For a definition of sexual harassment refer to SOP 520.05 - Sexual Harassment.

### **090.205 PREA COORDINATOR**

#### **A. APPOINTMENT**

The Chief of Police shall appoint a PREA Coordinator who shall develop, implement, and oversee department policy to comply with federal PREA standards in department municipal lockup facilities.

#### **B. RESPONSIBILITIES**

1. Maintain policies/procedures to comply with PREA.
2. Develop a staffing plan to ensure adequate levels of staffing and video monitoring in order to protect prisoners from sexual abuse.
3. Maintain methods for department members and prisoners to report sexual abuse or sexual harassment of prisoners.
4. Coordinate responses to reports of sexual abuse among first responders, local hospitals, investigators and supervision.
5. Maintain a protocol for investigating allegations of prisoner sexual abuse in department municipal lockup facilities, to include:
  - a. Evidence collection
  - b. Appropriate criminal and/or internal investigations is conducted regarding reports of sexual abuse or sexual harassment
  - c. Continued access to forensic medical examinations conducted at the Sexual Assault Treatment Center
  - d. Protocol to refer allegation of sexual abuse or sexual harassment to other law enforcement agencies if necessary
6. Ensure the department makes public its PREA policies to both prisoners and the

public through use of signage, standard operating procedure, and social media.

7. Compile all data regarding allegations of prisoner sexual abuse or sexual harassment in department municipal lockup facilities.
8. Ensure all members, contractors, visitors, or others who enter any municipal lockup facility are informed of the department's zero-tolerance policy regarding sexual abuse or sexual harassment.
9. Maintain documentation that all required department employees have completed required training.
10. Designate a PREA compliance manager.
11. Ensure compliance with PREA standards in any new contract, contract renewal, or memorandum of understanding with any public agency for the purpose of confinement of inmates.

#### **090.210 TRAINING- PREA**

- A. The PREA compliance manager shall be responsible for developing and administering training related to the department's PREA policy and all relative state and federal laws. The training shall include:
1. The department's zero-tolerance policy on prisoner sexual abuse and sexual harassment, to include the rights of prisoners to be free from such acts.
  2. The right of prisoners and department members to be free of retaliation for the reporting of sexual abuse and sexual harassment.
  3. The dynamics of sexual abuse and sexual harassment within municipal lockup facilities and which prisoners are potentially most vulnerable.
  4. The detection and response to the signs of abuse.
  5. Professional communication with all prisoners.
  6. Compliance with laws pertaining to the mandatory reporting of sexual abuse to outside authorities.

#### **B. INVESTIGATOR TRAINING**

Department members assigned to conduct PREA investigations by the Chief of Police shall receive specialized training to include:

1. Criminal investigation of sexual abuse and sexual harassment.
2. Interviewing of victims of sexual abuse and sexual harassment.

3. Evidence collection in municipal lockup facilities.
4. Proper use of Miranda and Garrity warnings.
5. Evidence to substantiate a case for prosecutorial referral and/or internal investigation.

#### C. ANNUAL TRAINING

Department members, who have the potential to have contact with prisoners, shall be provided an annual update on the PREA policy via Topic Acknowledgements.

### **090.215 RESPONSE TO REPORT OF PRISONER SEXUAL ABUSE**

#### A. REPORTING OF SEXUAL ABUSE AND HARASSMENT

1. Prisoners may report allegations of sexual abuse or sexual harassment verbally, in writing, privately or anonymously to any department member.
2. Reports may include retaliation by other prisoners or department members for reporting sexual abuse or sexual harassment or for neglect by a department member that may have contributed to sexual abuse or sexual harassment.

#### B. MEMBER RESPONSIBILITIES

Department members shall immediately notify a supervisor regarding information concerning a report of sexual abuse or sexual harassment by prisoners, department members, or third parties.

#### C. SUPERVISOR/SHIFT COMMANDER RESPONSIBILITY

1. Upon receipt of a report of prisoner sexual abuse or sexual harassment, the supervisor shall immediately notify the Sensitive Crimes Division shift commander and the PREA Coordinator.
2. If the reported incident involves a department member, the Internal Affairs Division shall lead the investigation.
3. The Internal Affairs Division shift commander shall ensure that the appropriate personnel are assigned to investigate the incident.
4. If the reported incident involves a prisoner, the Sensitive Crimes Division shall lead the investigation.
5. If the alleged incident occurred within a facility operated by another jurisdiction, the supervisor/shift commander shall notify the PREA coordinator who shall notify the appropriate management from that agency.
6. Persons who have reported an incident of prisoner sexual abuse or sexual

harassment or cooperated with an investigation shall be protected from retaliation.

#### **090.220 INVESTIGATION- PREA**

##### **A. FIRST RESPONDERS**

1. Department members who respond to a report of prisoner sexual abuse or sexual harassment shall ensure the parties are separated.
2. Establish a crime scene and protect evidence.
3. Locate any witnesses to the incident.
4. If the reported incident occurred within a time frame that would allow for the collection of physical evidence, ensure the victim and suspect do not take any actions that could potentially destroy evidence to include using the washroom, washing of hands, eating or drinking.

##### **B. INVESTIGATORS**

1. Follow the procedures outlined in SOP 112 - Sexual Assault Investigations.
2. Investigations shall include an effort to determine if department member actions or failures to act contributed to the reported abuse or harassment.
3. Refer criminal allegations of merit to the district attorney's office.

#### **090.225 DISCIPLINE- PREA**

- A. Investigations in which a department member is alleged to have abused or harassed a prisoner shall be reviewed by the commanding officer of the Internal Affairs Division.
- B. Department members shall be subject to discipline up to and including dismissal from the department for violating this policy.

#### **090.230 PROSECUTION- PREA**

- A. Violations of PREA by any department member, prisoner, contractor or other individual connected with any criminal allegation of merit shall be referred to the district attorney's office.
- B. Contractors engaged in prisoner sexual abuse or sexual harassment will be prohibited from further employment with the department and the incident shall be reported to their employer and any relevant licensing body.

#### **090.235 MEDICAL CARE- PREA**

Victims shall receive timely access to medical care. Refer to SOP 090.015 - Prisoners in Need of Medical Attention.

**090.240 DATA COLLECTION AND REVIEW- PREA****A. RECORD RETENTION**

The Sensitive Crimes Division shall retain all reports regarding all allegations of prisoner sexual abuse or sexual harassment. The Internal Affairs Division shall retain reports regarding allegations of prisoner sexual abuse or sexual harassment involving department members.

These reports shall be held for a period of at least 10 years after the date of initial collection.

**B. REVIEWS**

The PREA coordinator shall conduct an annual review of all reported incidents of prisoner sexual abuse or sexual harassment. These reviews will be utilized to assess and improve the department's ability to prevent, detect, respond and train for these types of incidents. The Chief of Police shall make the annual reviews open to the public, which shall include:

1. Identification of potential problem areas.
2. Identification of corrective actions taken.
3. Recommendations for additional corrective actions.
4. Comparison of current year's data and corrective actions with those from prior years.
5. An assessment of the department's progress in addressing prisoner sexual abuse and prisoner sexual harassment.
6. No personal identifiers shall be listed in this report.

**090.245 REQUIRED NOTIFICATIONS (DEATH, INJURY, ESCAPE, AND / OR DAMAGE)  
(WILEAG 7.1.6)**

- A. The Chief of Police or designee shall immediately notify the Milwaukee County District Attorney's Office in the event of the death of an individual while an individual is in police custody. The Chief of Police or designee shall further notify the executive director of the Board of Fire and Police Commission.
- B. The Department of Corrections must also be notified by email by the municipal lockup facility administrator, or designee, or in their absence the night watch commander, within 48 hours in the event any of the following occurs at any MPD municipal lockup facility:
- a prisoner attempts suicide and is admitted to a hospital
  - a prisoner has been injured and admitted to a hospital
  - a member has been injured by a prisoner and admitted to a hospital
  - a prisoner dies

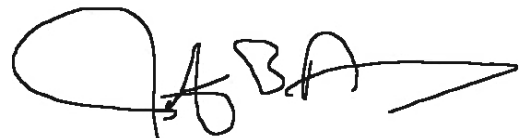
- a prisoner escapes or attempts to escape
  - damage to the lock-up facility which affects the safety or security of the lock-up
1. The work location's shift commander shall notify a Central Booking supervisor and email the municipal lockup facility administrator as soon as practicable when any of the above circumstances occur.
  2. In the event of an escape, notify the jurisdiction where the escape occurred, if applicable. The commanding officer of the work location in which the prisoner escaped shall file a report as soon as practicable to their respective bureau commander regarding the circumstances of the incident.  
(WILEAG 7.1.6.1, 7.1.6.2)

### **090.250 RECORD RETENTION AND DISTRIBUTION SCHEDULE**

The following retention and distribution of original and copies of the *Arrest Detention Report* (PA-45), *Pedigree Information* (PA-45A), *Prisoner Statement* (PA-45B), and *Charge Supplemental* (PA-45C) reports shall be followed:

- A. When an adult prisoner is transferred to CJF, the original completed, approved, and signed *Arrest Detention Report* (PA-45), CR-215 if applicable, and *Charge Supplemental* (PA-45C) shall accompany the prisoner to CJF along with two copies of each. A copy of the PA-45 and the PA-45C shall be attached to the original *Pedigree Information* (PA-45A) and *Prisoner Statement* (PA-45B) and shall be forwarded to the Open Records Division for retention.
- B. When an adult prisoner is released at the district station or Central Booking (e.g., administrative release, release on personal recognizance, future court date), and after the information has been entered into JMS, the original PA-45, PA-45A, PA-45B, and PA-45C, shall be forwarded to the Open Records Division for retention.

**Note: Nothing in this policy relieves a department member's responsibility from requesting medical attention for any citizen, in custody or not, who the member reasonably believes is in medical distress. (See SOP 090.15(A) - Medical Aid).**



JEFFREY B. NORMAN  
CHIEF OF POLICE