



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **STRUCTURE/COMMAND/
ACCOUNTABILITY**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

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INDEX AS: Accountability of Authority
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PURPOSE: The purpose of this Policy & Procedure is to inform employees of the organization and command structure of the Elkhart Lake Police Department; to establish the chain of command in the absence of the Chief of Police; to establish internal and external command protocol; to inform employees they are accountable for the use of delegated authority; to establish procedures for obeying lawful orders; and to establish an administrative reporting program, which requires the preparation of periodic reports of the agency's activities and data summaries, based on such reports.

The Department shall also have ready access to legal advice by both the Office of the Village Attorney and the Sheboygan County District Attorney. In rare cases the Attorney General's Office of the State of Wisconsin may also be contacted.

This Policy & Procedure consists of the following numbered sections:

- I. ORGANIZATION STRUCTURE
- II. CHAIN OF COMMAND
- III. OPERATIONAL COMPONENTS
- IV. INTERNAL PROTOCOL
- V. PROTOCOL INVOLVING OUTSIDE AGENCIES
- VI. DELEGATION OF AUTHORITY
- VII. SUPERVISOR ACCOUNTABILITY
- VIII. DUTY TO OBEY LAWFUL ORDERS
- IX. ADMINISTRATIVE REPORTING PROGRAM
- X. LEGAL ADVICE

I. ORGANIZATION STRUCTURE

- A. The Elkhart Lake Police Department shall maintain an updated organization chart including all positions in the Department that shall be available to all personnel. The chart shall be kept on file in the following locations: computer (S:\Policies\Job Descriptions), office of the Chief of Police, and in the squad room.
- B. Each position within the Department shall have a written job description that shall be available to all personnel. Job descriptions shall be kept on file in the following locations: computer (S:\Policies\Job Descriptions), office of the Chief of Police, and in the squad room.

II. CHAIN OF COMMAND

- A. The chain of command is the Department's formal hierarchy and the necessity of personnel following a certain order in the hierarchy when traveling up or down the organization levels. The chain of authority will specifically advise all employees who has command authority between officers of similar rank.
- B. The Elkhart Lake Police Department recognizes the existence of a formal rank structure, and the necessity of personnel following the etiquette and protocol established within the formal rank structure that exists in this Department. Personnel shall follow the path of protocol in both directions, up and down the structure.

- C. The Chief of Police is the head administrative member of the Department and has complete control over all administrative and command responsibilities within the Department, subject to the direction of the Village President. The Chief shall obey all lawful written orders of the Elkhart Lake Board of Trustees.
- D. In the absence of the Chief of Police, the officer on duty with the highest rank and most time in grade shall be in command of the Department.
- E. The Department's organization chart illustrates the rank and command structure of the Department. Each employee is immediately accountable to his/her direct supervisor.
- F. Exceptional circumstances: In the event of incapacitation or any exceptional situations causing the absence of the Chief of Police, the senior officer of the next lower rank shall assume control of the Department until such time that the Protections of Persons and Property Committee names an acting or permanent replacement.
- G. Day-to-day operations: Unless otherwise designated by the Chief of Police, only operational titles are granted command authority. The standard (day-to-day) command protocol is depicted on the Department organizational chart.

III. OPERATIONAL COMPONENTS

A. Administration:

- 1. Comprised of Chief of Police and support services.
 - a) Records
 - b) District Attorney/County Clerk Office Liaison
 - c) Liaison with other agencies
 - d) Budget
 - e) Discipline
 - f) Internal Investigations
 - g) Administrative activities and special projects
 - h) Support services provided clerical support under the direction of the Chief of Police.
 - i) Municipal Court Services:
 - a) Coordinate Municipal Court officer appearances, witnesses, subpoenas, Municipal courtroom security.

B. Operations:

1. Patrol:

- a) Traffic, parking, calls for service, assist citizens, report writing, ordinance enforcement, state law enforcement, etc.

2. Community service and outreach:

- a) School functions, crime prevention, youth center liaison, special events.

3. Investigations:

- a) Follow up, Evidence collection, Report writing, Arrest

IV. INTERNAL PROTOCOL

A. Coordination is one of the most difficult problems when faced with a single incident that requires the combined resources and joint functioning of two or more divisions. This section characterizes the normal protocol for such incidents when they are not specifically described.

B. When the need arises to form a special team comprised of officers from different divisions, the highest ranking and most senior time in grade officer shall be responsible for the team.

C. In the case of an incident requiring both Elkhart Lake patrol officers and Sheboygan County Sheriff's Office detectives, the patrol officer at the scene shall assume control and shall be in command until the Chief of Police is contacted. When the incident is such that it requires additional investigative resources to assume responsibility of the ongoing investigation, the ranking detective shall assume command. The patrol officer, after conferring with the detective and Chief of Police, shall determine when to relinquish command of the incident to the detective.

V. PROTOCOL INVOLVING OUTSIDE AGENCIES

A. The protocol to be observed during functions with outside agencies is as follows:

1. First and foremost, employees of the Elkhart Lake Police Department operating in multi-jurisdictional capacities or situations are responsible and accountable to the Elkhart Lake Police Department, its supervision and command staff.

2. Officers of the Elkhart Lake Police Department operating in multi-jurisdictional capacities or situations shall follow the rules and regulations, Policy & Procedures and any other directions of the Elkhart Lake Police Department.

3. Officers sent to another jurisdiction under a mutual aid request may be under the general direction of the requesting agency for tactical situations. Officers must keep in mind their ultimate responsibility is to the Elkhart Lake Police Department.

B. Direction / Control of outside Agencies asked to Assist in Elkhart Lake

1. Employees of any outside agency acting jointly inside the Village of Elkhart Lake shall be under the direction of the ranking Elkhart Lake officer or command officer in control of the incident.
2. Officers must understand that employees of outside agencies are responsible and accountable to their employing agency and must operate under their agency's established standards. Officers should, whenever feasible, give direction to employees from the outside agency through their immediate supervisors.
3. Employees of the Elkhart Lake Police Department are under the direct control of the ranking Elkhart Lake Police Department officer controlling the scene of any incident in which an outside agency may be assisting. They are not under the control of any supervisor from an outside agency that may be on the scene.
4. Anytime an outside agency's specialized unit teams, (i.e., S.W.A.T.) are called in to assist the Elkhart Lake Police Department, they will act only under the direction of the ranking Elkhart Lake officer or command officer. Their specialized functions and tactical operations will be controlled by the team's supervisor, but they will act only under the direction of the ranking Elkhart Lake officer or command personnel. Their actions may be terminated at any point if the ranking Elkhart Lake officer or command officer deems it appropriate.

VI. DELEGATION OF AUTHORITY

- A. The Chief of Police is the head administrative member of the Department and has complete authority and responsibility for the Department. By law, he/she may delegate portions of his authority to his/her subordinates.
- B. All employees of the Department shall be given the authority to make decisions necessary to perform the functions of their jobs. All employees shall be held accountable for the use of delegated authority as well as for the failure to use it.
- C. The authority to accomplish specific tasks as delegated from level to level within the hierarchy of the Department is granted by the Chief of Police. Employees to whom tasks are delegated are empowered to take the appropriate actions to accomplish the task. By being given the responsibility to complete an assigned task, the employee is granted the authority to direct the completion of the task assigned.

- D. Employees are accountable for their actions or failure to act, however, the responsibility for the task's completion falls on the ranking officer delegating the task. The ultimate responsibility falls on the Chief of Police for their subordinate's actions.

VII. SUPERVISOR ACCOUNTABILITY

- A. Supervisors are accountable and responsible for the performance of employees under their immediate control.

VIII. DUTY TO OBEY LAWFUL ORDERS

- A. Employees shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an employee of the same or lesser rank.
- B. Upon the order of the Chief of Police, the Chief's designee, or a superior officer, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked them.
- C. Orders from a superior to a subordinate shall be in clear understandable language, civil in tone, and in pursuit of Department business. A request of a supervisor shall be considered an order.
- D. No command or supervisory officer shall knowingly or willfully issue any order which is in violation of Departmental orders, rules or procedures, except in accordance with established Departmental procedures.
- E. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, the employee shall request the superior officer issuing the order to clarify the order. If the legality of the order is still in question, the employee shall confer with higher authority.
- F. Employees who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or directive, shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.
- G. All employees shall treat superiors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. While on duty, in the presence of the public, officers shall be referred to by rank.

- H. Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

IX. ADMINISTRATIVE REPORTING PROGRAM:

- A. The Department's administrative reporting system includes the following information:

- 1. A listing of all administrative reports
- 2. A statement as to the person or positions responsible for the formulation of the report
- 3. A statement of the purpose of the report
- 4. A statement of the frequency of the report
- 5. A statement of the distribution of the report

- B. Administrative Reports are those reports submitted on a regular basis and shall include at a minimum:

- 1. Daily Reports:
 - a) Patrol Information Board. Officers will maintain a bulletin board with the extra attention matters, missing persons, apprehension requests, stolen vehicles, and report copies pertinent to shift(s) operations. It is maintained in the Administrative Office.
- 2. Bi-weekly Reports: Payroll Records: Administrative Assistants will prepare/submit payroll records to the assigned Records Division clerk on a timely basis.
- 3. Monthly Reports:
 - a) The Chief of Police shall prepare a Uniform Crime Report (UCR) on a monthly basis. A copy of the reports will be transmitted to the State of Wisconsin CIBR.
- 4. Annual Reports:
 - a) The Administrative Division will complete the Department Annual Report. It will be made available to personnel via the police server with copies to the Chief, Mayor, Common Council, Board of Police and Fire Commissioners, and the Village library.

5. Department Meetings: The following meetings will be held on a regular basis for the purpose of ensuring open lines of communications and the passing of information throughout the Department.
 - a) Administrative Department Head meetings: meetings composed of all department heads in the Village.
 - b) Department: meetings, which encompass the entire department and are held at least once a year for informational and training purposes.
7. Special Reports: As needed, the Chief of Police may request various reports on selected topics. These reports will be completed in a timely fashion and distributed to the appropriate personnel.

8. Accreditation:

The Accreditation Manager or his/her designee shall maintain a manual that lists all reports, reviews and other activities mandated by accreditation standards. The procedure to ensure that all documentation is completed in a timely manner is as follows:

- a) Personnel responsible for reports, reviews, inspections or other activities will be given a copy of the WILEAG mandated report/review list applicable to their unit/function.
- b) Personnel shall submit required WILEAG reports on a timely basis by the due date.
- c) If documentation is not received in a timely fashion, the Accreditation Manager shall follow up with the responsible employee.
- d) Documentation once completed and reviewed by appropriate personnel and affected units will be filed in the appropriate WILEAG file.

X. LEGAL ADVICE:

A. Village Attorney.

1. The Village Attorney's office is the legal counsel for the Village and as such may be consulted for question or concerns regarding:
 - a) Municipal ordinances.
 - b) Adopted State statutes.
 - c) Village operations and departments.
 - d) Village liability issues.

2. This office represents the Village and its officers as the prosecuting attorney for ordinance and state adopted statutory violations.

B. District Attorney.

1. The DA's office may be consulted for questions or concerns regarding:
 - a) Requesting State Attorney General's opinions.
 - b) State statutes not adopted by ordinance.
 - c) Intake Court related matters.
 - d) Warrant (search or person) request.
2. The DA's office represents the Village and its officers as the prosecuting attorney for statutory offenses.

C. Attorney General.

1. In rare cases an opinion by the Attorney General's Office may be sought with the approval of the Chief of Police and in consultation with the District Attorney's Office.

D. Availability.

1. Both attorney offices are available for consultation either through normal office phones or, after hours, at their homes. Such numbers are available from the Chief of Police and must be pre-approved prior to calling.

Michael Meeusen
Chief of Police

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

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