

<b>Town of Madison Police Dept.</b>	<b>Title: Definitions</b>		
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## I.PURPOSE

This purpose of this policy is to establish standard definitions for the Town of Madison Police Department Policy and Procedures.

## POLICY

## DEFINITIONS

<i>Accident:</i>	An occurrence that originates or terminates on a traffic way, which involves at least one motor vehicle in transport, and results in any of the following: <ol style="list-style-type: none"> <li>1. Injury or fatality of a person.</li> <li>2. Total damage to one person's property to an apparent extent of \$1,000 or more.</li> <li>3. Damage to government-owned property to an apparent extent of \$200 or more, except government-owned vehicles, which are \$1,000 or more.</li> </ol>
<i>Air Cartridge:</i>	The Taser X26 ECD uses a cartridge that connects to the firing bay of the Taser X26. This cartridge uses a compressed nitrogen capsule to discharge two small probes up to 35 feet. The probes are connected to the air cartridge via insulated wire.
<i>Active Resistance:</i>	Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.
<i>Adult:</i>	For the purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age. [Wis. Stat. § 938.02(1)].
<i>Arrest:</i>	To deprive a person of their liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose of holding or detaining the person to answer a criminal or civil charge. The central idea of an arrest is the taking or detaining of a person, by word or action, into custody so as to subject their liberty to the actual control and will of the person making the arrest.
<i>Anonymous Source</i>	An unidentified person who provides information.
<i>Authorized Emergency</i>	Authorized Emergency Vehicles (Equipment): Department

<i>Vehicle:</i>	vehicles equipped with one or more flashing, oscillating or rotating red or red and blue lights and a siren. Authorized emergency equipment does not include flashing yellow lights or 4-way hazard lights on police vehicles, although these lights may be used in conjunction with emergency lighting.
<i>Authorized Emergency Vehicle Exemption:</i>	The Town of Madison Police Department recognizes Wisconsin State Statute <b>§346.03 Applicability of rules of the road to authorized emergency vehicles</b> as the definition for this term.
<i>Body Cavity Search</i>	Any search of a body cavity that is also a strip search. Searches of the mouth, nose or ears are not considered body cavity searches.
<i>Close Pursuit:</i>	Pursuit of a felony suspect into another state.
<i>Confidential Informants</i>	Any non-law enforcement person who is assisting department officers. This includes, but is not limited to: providing information making undercover introductions or making controlled drug purchases to a degree where it is necessary that they may be required to testify in a court proceeding regarding their information and or actions. They may receive either monetary benefits for their assistance, or consideration towards a reduced sentence, depending on their assistance to law enforcement. They will be documented in such a manner as to record all personal data in an informant file and assigned a confidential file number for future reference.
<i>Confidential Source</i>	A non-law enforcement person known to a member, who provides information, does not wish to be identified or take an active part in an investigation. Confidential sources are not necessarily involved in criminal activity, but due to their various occupations, are in a position to obtain pertinent information and provide it to law enforcement. They are not usually expected to become witnesses and are not monetarily compensated for their assistance.
<i>Controlled Deflation Device:</i>	Equipment designed to be placed across a roadway or other path, which causes the pneumatic tires of a vehicle to deflate when a vehicle passes over it. The “Stinger” systems are the devices currently used by the Town of Madison Police Department.
<i>Crash:</i>	See Accident definition.
<i>Crime:</i>	Conduct, which is prohibited by state law and punishable by fine, imprisonment, or both. Conduct punishable only by forfeiture is not a crime.
<i>Custodial Arrest:</i>	The act of depriving a person of their liberty by legal authority for the purpose of booking, holding, or detaining them to answer a criminal charge or civil forfeiture action.
<i>Deadly Force:</i>	The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

<i>Deployment (ECD):</i>	The activation of a ECD resulting in an arcing of the unit, a contact maneuver on a person or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The activation of an ECD by powering the unit and pointing it at a person or animal is considered a deployment.
<i>Detained</i>	Means any person arrested for a felony, arrested for certain misdemeanors as defined in sec. § 968.255(1)(a), a child taken into custody under sec. § 48.19 for an alleged act that if committed by an adult would permit a strip search under the aforementioned criteria, and any arrest not previously covered where there is probable cause to believe the person is concealing a weapon or thing which may constitute evidence of the offense for which the person is detained.
<i>Disturbance Resolution:</i>	The Town of Madison Police Department uses the Disturbance Resolution model as provided by the State of Wisconsin in the DAAT Manual as the model in which Deadly and Non-Deadly Force is used. The Town of Madison Police Department also recognizes that the Disturbance Resolution model can be modified to accommodate additional advanced standing training techniques and weapons.
<i>Drive Stun:</i>	The act of firmly pressing the front of the ECD against the subject's body and "driving" it into them, when the cartridge probes have been deployed or the cartridge has been removed from the end of the weapon.
<i>Drug Trafficking</i>	The system that supplies illegal drugs to drug users. It encompasses the cultivation, manufacture and distribution of illegal controlled substances.
<i>Due Regard:</i>	The degree of care that a reasonably careful person, performing similar duties, and acting under similar circumstances would show.
<i>Electronic Control Device (ECD):</i>	A less lethal incapacitation device that uses Neuro-Muscular Incapacitation (NMI) to disrupt the central nervous system and create loss of muscular control.
<i>Emergency Driving:</i>	Operation of a police vehicle using authorized emergency equipment in response to a <i>True Emergency</i> .
<i>Employment</i>	The provision of a service, whether or not in exchange for a fee or other service. Includes owning your own business. Employment does not include volunteer work for charitable organizations.
<i>Extra-Duty Employment</i>	Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.
<i>Firearm:</i>	The Town of Madison Police Department recognizes the definition under 18 USC 921 (3)(a) The term " <b>firearm</b> " means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

	(Source U.S. Code)
<i>Fresh Pursuit:</i>	Fresh pursuit means the continuous and uninterrupted pursuit by a law enforcement officer of someone he/she has probable cause to believe has violated any law or ordinance the officer is authorized to enforce. This means that the violation took place within the officer's geographical jurisdiction and fresh pursuit allows the officer to follow that person outside of what normally would be his/her geographical limits. An officer may follow anywhere in the state and arrest any person for violation of any law or ordinance the officer is authorized to enforce. [ <i>City of Brookfield v. Collar</i> , 148 Wis.2d 839 (1989)].
<i>Great Bodily Harm:</i>	A bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
<i>Fixed Roadblock:</i>	A full or partial roadblock established at a fixed point.
<i>Incapacitating Injury</i>	Any injury other than a fatal injury which prevents the injured person from walking, driving, or from performing other activities which he/she performed before the accident.
<i>Investigative Source</i>	Any non-law enforcement person who provides information to a member, however, that person is not expected to become a witness. The investigative source may be compensated with official funds for their assistance. This type of informant is not proactively seeking to make criminal cases, not expected to make undercover introductions, and is not usually associated with criminal activities. This category of information source is created to provide a means to compensate an individual for their assistance, provide accountability for that payment and document creditability. Also, the investigative source will be utilized on a limited basis as a non-witness, intelligence source to members of the department.
<i>Legal Jurisdiction:</i>	An officer has legal jurisdiction and authority of a police officer of the Town of Madison Police Department whenever within the corporate limits (boundaries) of the Town of Madison. This includes the entire width of a boundary highway as defined in Wis. Stat. § 175.40 (4). Officers are also deputized by the Dane County Sheriff and have jurisdiction and authority within the corporate limits of Dane County while on duty Wis. Stats. §59.26(5) and Dane County Sheriff's Department Municipal Deputization Agreement. Officers also have expanded arrest authority under Wis. Stats. § 175.40 (on duty) and § 175.40 (6m) [2005 Wis. Act 414].
<i>Less-lethal Weapons:</i>	Devices used by police officers to stop, control, and restrain individuals while causing less harm than deadly force to the individual as well as the officer and any nearby persons.

	Examples of the less lethal weapons include pepper spray, pepper balls, water guns, nets, batons, Tasers, and beanbag and rubber projectiles.
<i>Mobile video recorder (MVR)</i>	Audio/video recording equipment designed for fixed installation in patrol vehicles.
<i>Moving Roadblock:</i>	The use of one or more moving police vehicles to block the roadway and impede the continued movement of a vehicle traveling in the same direction.
<i>Non-custodial Arrest:</i>	The act of temporarily depriving a person of their liberty by legal authority for the purpose of issuance of a citation or referral for future prosecution.
<i>Non-Deadly Force:</i>	The use of any weapon or instrument, or any other action by the officer, which does not fall under the definition of deadly force, but could result in bodily harm.
<i>Non-Reportable Crash :</i>	A crash that does not meet the definition of Accident.
<i>Objectively Reasonable:</i>	This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances. This includes, but is not limited to, the severity of the alleged crime at issue, whether the suspect poses an imminent threat to the safety of officers and/or others and whether the suspect is actively resisting or attempting to evade arrest by flight.
<i>Offense:</i>	Any violation of law whether Federal, State, or Municipal.
<i>Officers:</i>	“Officers” referenced in this policy means all sworn personnel regardless of rank or assignment.
<i>Oleoresin Capsicum Chemical Agent:</i>	Oleoresin Capsicum Chemical Agents often referred to generically as “OC Spray” and “Pepper Spray.” It is designed to incapacitate a subject with minimal potential for causing serious physical injury when compared to other empty hand control options when used in accordance with agency policy and training guidelines. There is one OC Chemical Agent deployment device utilized by this department. A canister in either a 3oz or 4oz version manufactured by a department-authorized manufacturer.
<i>Personally Involved:</i>	An officer is deemed personally involved where an off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other persons connected with the incident. This does not apply to situations where the on-duty police officer is a victim of a crime.
<i>Predator Subject:</i>	A person willing to attack in order to injure or kill a police officer
<i>Privilege:</i>	The Town of Madison Police Department recognizes Wisconsin State Statute <b>§939.45 Privilege</b> as the definition for this term.

	The concept of <i>privilege</i> is very important. A law enforcement officer, acting in good faith and seeking to achieve legitimate law enforcement objectives (including making arrests), can legally use force <i>that could otherwise be considered a criminal act</i> . Obviously, if the officer uses force for some unauthorized purpose—such as to retaliate against someone—said use of force is <i>not</i> privileged, and may subject the officer to criminal charges. (Source: State of Wisconsin DAAT Manual)
<i>Probable Cause:</i>	That quantum of evidence which would lead a reasonable police officer to believe that the defendant committed a crime. [Wisconsin Law Enforcement Officers Criminal Law Handbook].
<i>Pursuit:</i>	An active attempt by a law enforcement officer, on-duty in an authorized law enforcement vehicle, to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his or her speed or by ignoring the law enforcement officer's attempt to stop him or her.
<i>Recorded media</i>	Refers to audio/video signals recorded on a DVD-RAM or other storage media authorized by the chief of police.
<i>Regular Off-Duty Employment</i>	Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.
<i>Reportable Crash:</i>	Any crash that meets the definition of Accident.
<i>Roadway:</i>	The Town of Madison Police Department recognizes Wisconsin State Statute § 340.01(54) as the definition for this term.
<i>SAR:</i>	Sudden Aggressive Resistance
<i>Self Defense and defense of others:</i>	The Town of Madison Police Department recognizes Wisconsin State Statute § <b>939.48 Self-defense and defense of others</b> as the definition for this term.
<i>Semi-Automatic Pistol:</i>	The semi-automatic pistol, some of the force is used to operate the mechanism that ejects the empty casing and places the next round in the chamber. Each time you pull the trigger, one round is fired and the next round is fed into the chamber. (Source State of Wisconsin Firearms Manual)
<i>S.P.E.A.R.:</i>	S.P.E.A.R. System – (Spontaneous Protection Enabling Accelerated Response). An empty hand behaviorally based system and tactic created by Blauer Tactical Confrontation Management Systems that can be used to respond to an out of control situation or an ambush assault on an officer when that officers is dealing with a subject in extreme close quarters.
<i>Strip Search</i>	A search in which a detained person's genitals, pubic area, buttock or anus, or a detained female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

<i>Taser:</i>	An ECD developed by Taser International. The Taser X26 utilizes compressed nitrogen to shoot two small probes up to 35 feet. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, powerful electronic pulses are transmitted along the wires into the target.
<i>Temporary Felony Warrant:</i>	An entry on the TIME (Transaction Information for the Management of Enforcement) system into CIB and/or NCIC indicating a person is wanted by police. Police may enter a Temporary Felony Warrant when there is probable cause that a felony was committed and probable cause the person committed the felony, but no warrant has been issued yet. When the record is entered it will remain on the system for 48 hours and then will be automatically purged by the TIME system. It may be used for serious felony offenses where there is a need to immediately apprehend the suspect given the circumstances.
<i>Test Arc:</i>	The act of squeezing the trigger on an ECD with the cartridge removed to cause a visual display of electricity to occur across the electrodes on the front of the weapon.
<i>Traffic Way:</i>	Premises open to the public as a matter of right or custom for use of their motor vehicles whether the premises are publicly or privately owned. This includes driveways, approaches to buildings, shipping and loading docks, service stations, parking stalls and parking aisles of parking lots.
<i>True Emergency:</i>	A situation in which there is a high probability of death or serious injury or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation. (Source: State of Wisconsin EVOG Manual)
<i>Use of Force:</i>	Use of force is the amount of effort required by police to gain compliance from a person. This includes any use of force occurring while the officer is acting in an official law enforcement capacity. This includes undercover, plainclothes, or uniform assignments whether on or off duty.
<i>VARDA</i>	An effective silent alarm. VARDA is an acronym for Voice Alerting Radio Detection Alarm.
<i>Violent Felony</i>	A felony that involves an actual or threatened attack on a person or persons that involves the use of force or threatened use of force.
<i>Warrant (arrest):</i>	A written order issued and signed by a judge, and directed to a law enforcement officer, commanding the officer to arrest the person identified in the order. An arrest warrant may be for the violation of a criminal law or municipal ordinance.

BY ORDER OF: \_\_\_\_\_

Scott T. Gregory

Chief of Police