



# KENOSHA POLICE DEPARTMENT

## POLICY AND PROCEDURE

### 52.1 Police Officer Bill of Rights

<b>Effective Date:</b>	12/1/1980	<b>Revision Date:</b>	11/11/2003
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- I. Members of the Kenosha Police Department hold a unique status as public officers in that the nature of their office and the performance of their duties involves the exercise of a portion of the police power of the city and state.
- II. The security of the city – its citizens depend to a great extent upon the manner in which Kenosha Police Department members perform their manifold duties. The performance of such duties involves those members in all manners of contacts and relationships with the public.
- III. Out of such contacts and relationships may arise questions concerning the actions of members of the force. Such questions may require prompt investigation by superior officers designated by the Chief of Police, Commander of Police, Captains of Police or other competent authority.
- IV. To insure that such investigations are conducted in a manner conducive to good order and discipline, meanwhile observing and protecting the individual rights of each member of the force, the following rules of procedure hereby are established.
  - A. The interrogation of any member shall be a reasonable hour, preferably when the member is on duty and during the daylight hours unless the exigencies of the investigation dictate otherwise. In the latter event, reassignment of the member's tour of duty shall be employed at the discretion of the administration.
  - B. The interrogation shall take place at a location designated by the investigating officer, usually at the Police Department.
  - C. The member shall be informed of the rank, name and command of the officer in charge of the investigation, as well as the rank, name and command of the interrogating officer and the identity of all persons present during the interrogation. If a member is directed to leave his post or assignment and report for interrogation to another command, said member shall promptly notify the desk sergeant and/or shift commander of his whereabouts.
  - D. The member shall be informed of the nature of the investigation before any interrogation commences. Sufficient information to reasonably apprise the member of the allegations should be provided orally or in writing. If it is known that the member being interrogated is a witness only, he shall be so notified.
  - E. The interrogation shall be completed with reasonable dispatch. Reasonable respites shall be allowed. Time shall be provided also for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.
  - F. The member shall not be subjected to any offensive language nor shall he be threatened with transfer, dismissal or other disciplinary punishment. No promise of reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to

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prohibit the investigating officer from informing the member that his conduct can become the subject of disciplinary action resulting in disciplinary punishment.

- G. In all cases wherein a member is to be interrogated concerning all alleged violations of rules and regulations which, if proven, may result in his dismissal from the service or the infliction of other disciplinary punishment upon him, he shall be afforded a reasonable opportunity and facilities to contact and consult privately with an attorney of his own choosing and/or two representatives of the K.P.P.A. may be present during the interrogation but may not participate in the interrogation except to counsel the member. However, in such cases, the interrogation may not be postponed for purpose of counsel and/or a representative of the K.P.P.A. past 10:00 A.M. of the day following notification of interrogation.
  - H. Requests for consultation and/or representation or the recording of questioning in administrative investigations shall be denied unless the administration finds that sufficient reasons are advanced.
  - I. The complete interrogation which, may result in disciplinary action of the member shall be recorded mechanically or by a stenographer. There will be no "off-the-record" questions. All recesses called during the questioning shall be noted in the record.
  - J. If a member is under arrest or is likely to be, that is, if he is a suspect of a criminal investigation, he shall be given his rights pursuant to the Miranda decision.
  - K. Under the circumstances described in paragraph G, the member shall be given an exact copy of any written statement he/she may execute or if the questioning is mechanically or stenographically recorded, the member shall be given a copy of such recording or transcript if requested and paid for by him/her or his/her association.
  - L. The refusal by a member to answer pertinent questions concerning any non-criminal matter may result in disciplinary action.
- V. No member shall be ordered to submit to a polygraph (lie detector) test for any reason. Such test may be given if requested by the member.
- VI. No member shall be ordered to submit to a blood test, an intoximeter test or any other test to determine the percentage of alcohol in the blood for any reason except as may be provided otherwise by specific, statutory law or by the policy on chemical screening dated November 12, 1988. Such test may be given if requested by the member.

Resolution #58-73  
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