

UW Whitewater Police



Probation/Parole Searches – 2013 Act 79

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Special Instructions:

Approved By:
Chief Kiederlen

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1

I. Purpose

The purpose of this policy is to set guidelines for sworn personnel to conduct searches of persons on probation, released on parole, or extended supervision.

II. Policy

UW-Whitewater Police Department (UWWPD) sworn staff will follow the law as listed in the Fourth Amendment of the United States Constitution and 2013 Wisconsin Act 79, along with any other legal interpretations of this law as it is updated.

III. Procedure

- A. This Act allows the police to search anyone placed on probation for a felony or misdemeanor, their residence, or the property under their control, if the following are true.
 1. The offender must be on probation, parole or extended supervisor for either a felony or misdemeanor under Chapters 940, 948 or 961.
 2. The police officer must have reasonable suspicion the subject of the search has done one of the two below:
 - a. Is committing, is about to commit, or has committed a crime.
 - b. Is committing, is about to commit, or had committed a violation of his/her conditions of probation or release.
 3. The subject must be currently supervised by the Wisconsin Department of Corrections for a Wisconsin Conviction.
 4. The supervision must have begun on or after December 14, 2013.
- B. Officers must be aware of the fact that they must still follow the below guidelines and this law does not reduce a subject's protection against "unreasonable searches".
 1. The laws and case law on what is reasonable suspicion are not changed or reduced solely because of this Act for persons that fall under the categories in Section A.
 2. The subject of the search cannot be moved a great distance without reason.
 3. The subject of the search cannot be held for an unreasonable amount of time without reason.
 4. This Act alone does not give the officer Probable Cause to arrest someone.

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5. This Act alone does allow you to compel identification if they do not identify themselves or you do not otherwise know who they are unless you have other legal precedent to identify them. (So, you cannot stop someone because they might be on Probation or you think they might be someone you know on probation and then ask for identification. For this Act you must know they are on Probation or Parole).
- C. The search will be conducted like any other search of a person, property or residence under policies of the UW-Whitewater Police Department and current laws.
- D. After the Search is complete, the police officer should follow policy and law, depending on what is located during the search. Such as arrest procedures if contraband is found or releasing the person if nothing is found during the search.
- E. After the search is complete, the police officer will complete the following as soon as practicable.
 1. Notify WI DOC of the search via e-mail.
 2. The e-mail will be sent to one of the below eight e-mail addresses. To find out what Region to send the e-mail to the officer will make a QPP (Query Probation/Parole). The Query will provide the officer with the agent's five-digit number, such as 58233. The first number is the Region the agent is assigned, such as Region 5 for Agent 58233.
 3. In the subject line the officer will place "Act 79 Search Notification".
 4. In the body of the e-mail the officer will place the offender's name, date of birth and a brief description of the search and its results.
 5. The officer will then complete a report on the incident.
- F. Email Addresses:
 1. DOCDCCReg1RevocationPackets@wisconsin.gov
 2. DOCDCCReg2DOC44@wisconsin.gov
 3. DOCDCCReg3Intake@wisconsin.gov
 4. DOCDCCReg4@wisconsin.gov
 5. DOCDCCReg5WorkFolder@wisconsin.gov
 6. DOCDCCReg6@wisconsin.gov
 7. DOCDCCReg7@wisconsin.gov
 8. DOCDCCReg8DOC44@wisconsin.gov