

**CITY OF MADISON  
INTRA-DEPARTMENTAL  
CORRESPONDENCE**

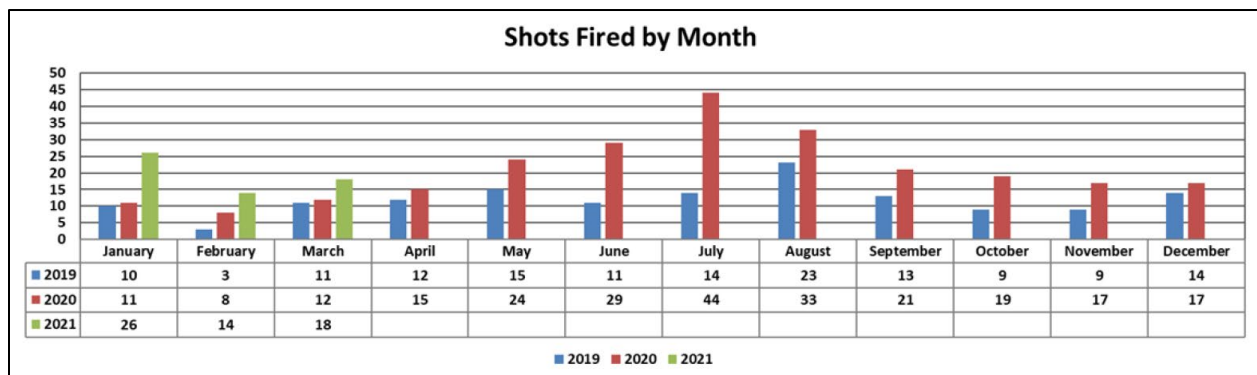
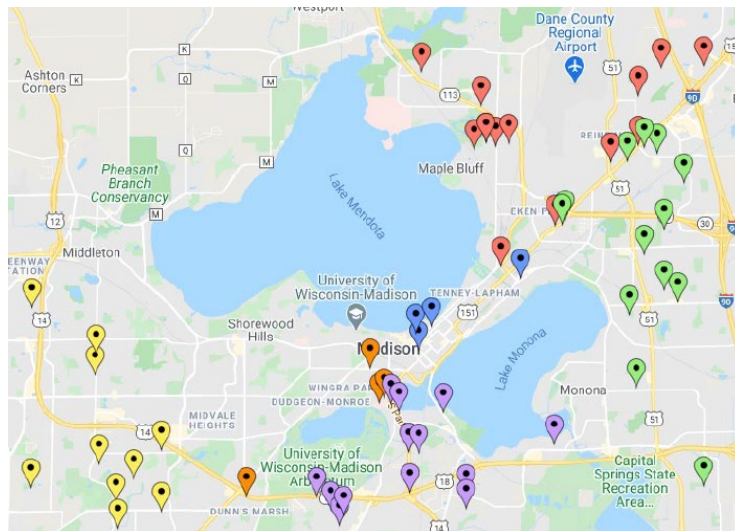
**DATE:** April 20, 2021

**TO:** All Alders  
**FROM:** Shon F. Barnes, Chief of Police  
**SUBJECT:** Quarterly Report

This document provides an update on selected MPD topics for the first quarter (January, February and March) of 2021. **Please consider the data included in this update as preliminary and subject to modification.**

**Significant Incident Types**

*Shots Fired* – there were fifty-eight (58) shots fired incidents in the City from January 1<sup>st</sup> through March 31<sup>st</sup> (2020). This is an **87%** increase from the first quarter of 2020. Twenty-eight (28) shots fired incidents were reported during the 4pm – midnight period; ten (10) were reported during the midnight – 8am time period; and twenty (20) were reported during the 8am – 4pm time period.

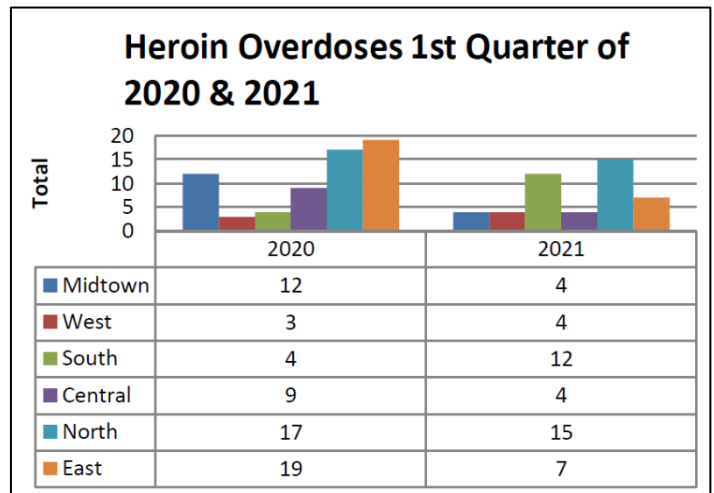
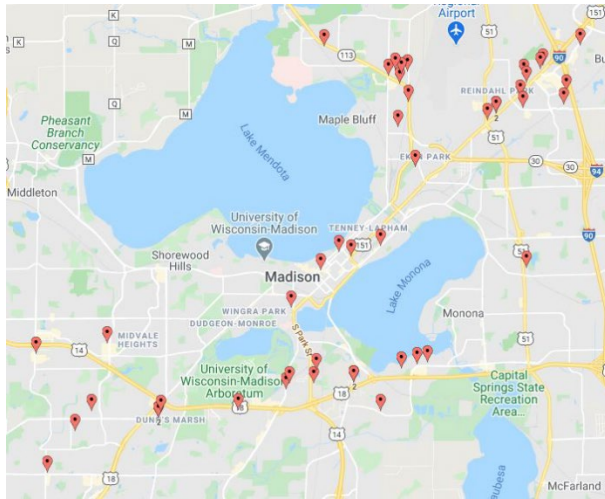


	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total
<b>Property Damage</b>	15				15
<b>Subjects Struck by Gunfire*</b>	9				9
<b>Accidental Discharge</b>	0				0
<b>Self-Inflicted (intentional)</b>	4				4
<b>Casings Recovered</b>	124				124

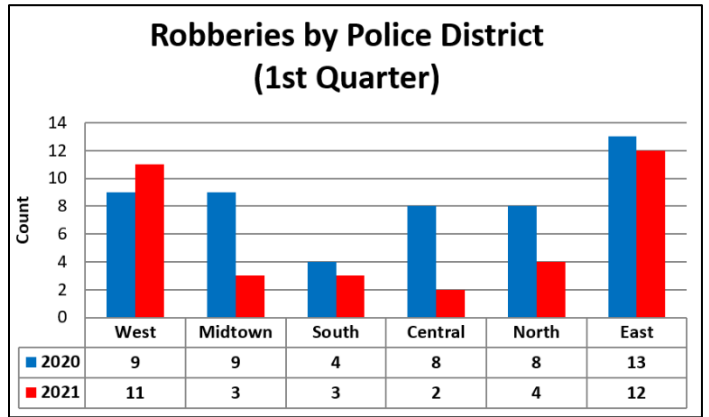
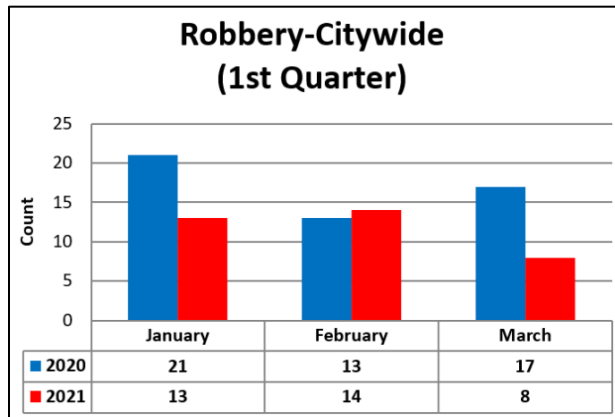
\*Excludes accidental discharge & self-inflicted

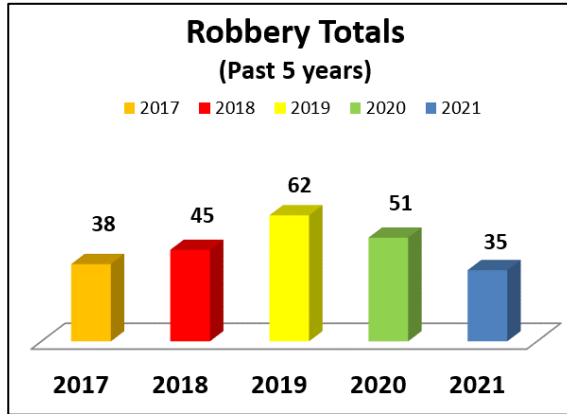
*Heroin Overdoses* – MPD responded to forty-six (46) known heroin overdoses during the first quarter of 2021. This is a 28% decrease from the first quarter of 2020. Note that these figures refer to known overdoses...it is likely that many overdoses are occurring without any report to MPD or MFD.

There were four (4) overdose deaths during the first quarter of 2021. This is a 60% decrease from the first quarter in 2020 [note that these figures only include overdose deaths with police involvement and clear evidence of an overdose; the actual figure may be higher].

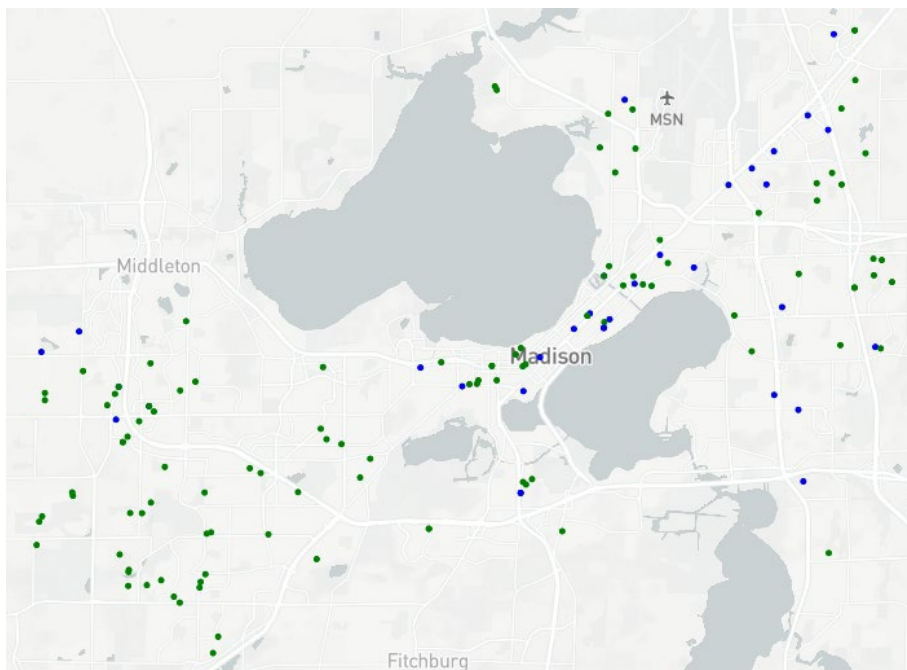
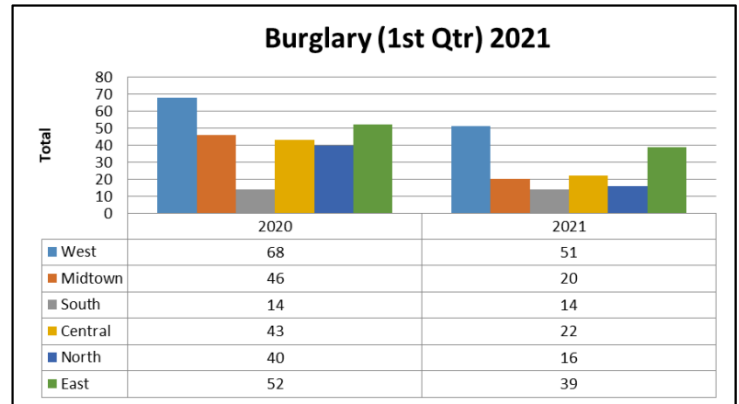
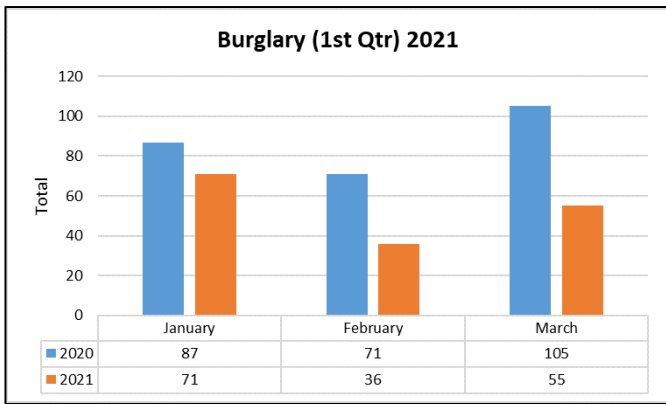


*Robberies* – Thirty-five (35) robberies occurred in the City during the first quarter of 2021. This is a 35% decrease from the first quarter of 2020.



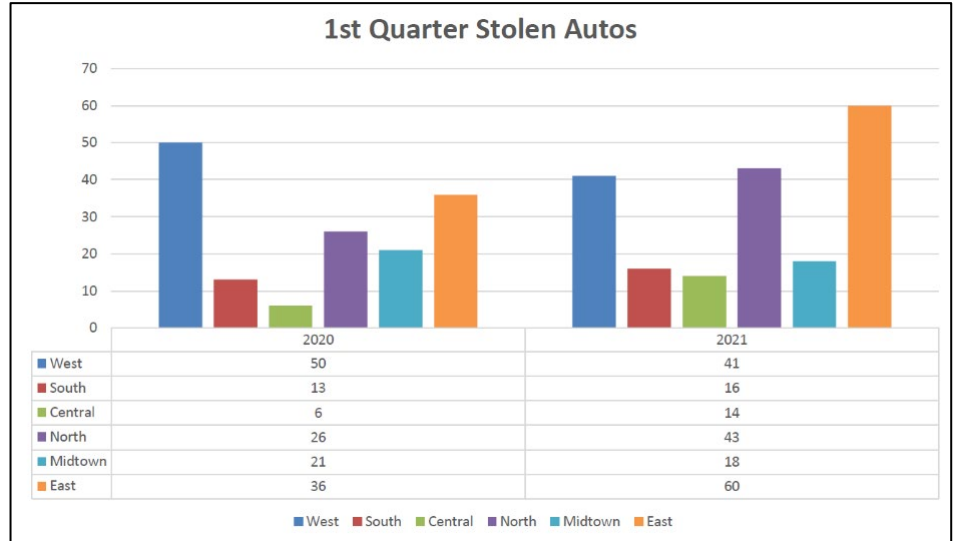


*Burglaries* – MPD responded to 162 burglaries during the first quarter of 2021. This is a 38% decrease from the first quarter in 2020.

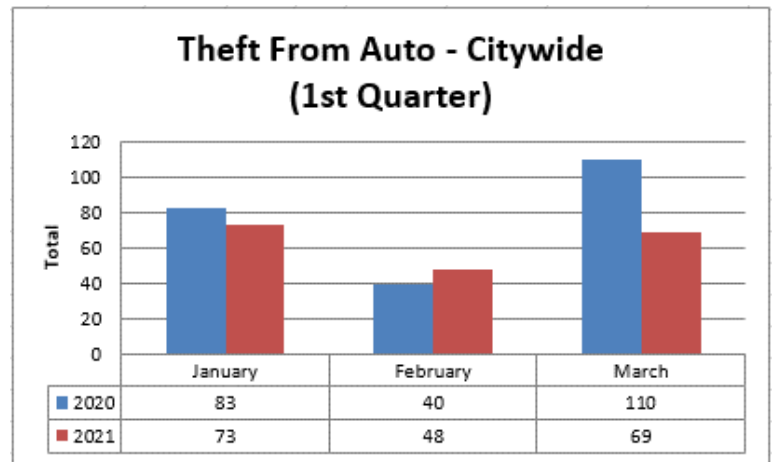


Blue: nonresidential burglary; green: residential burglary

*Stolen Autos* – MPD investigated 192 stolen autos during the first quarter of 2021. This is a 26% increase from the first quarter in 2020.



*Thefts from Vehicles* – MPD investigated 190 thefts from vehicles during the first quarter of 2021. This is an 18% decrease from the first quarter in 2020.



**Arrest Data**

First quarter arrest data:

Sex	Q1	Q2	Q3	Q4	Total	%
Male	980				980	76.0%
Female	310				310	24.0%
Unknown	0				0	0.0%
<b>Total</b>	<b>1,290</b>				<b>1,290</b>	<b>100.0%</b>

Race	Q1	Q2	Q3	Q4	Total	%
Asian	21				21	1.6%
African-American	683				683	52.9%
Native American	10				10	0.8%
Other	24				24	1.9%
Caucasian	552				552	42.8%
<b>Total</b>	<b>1,290</b>				<b>1,290</b>	<b>100.0%</b>
Hispanic*	90				90	7.0%

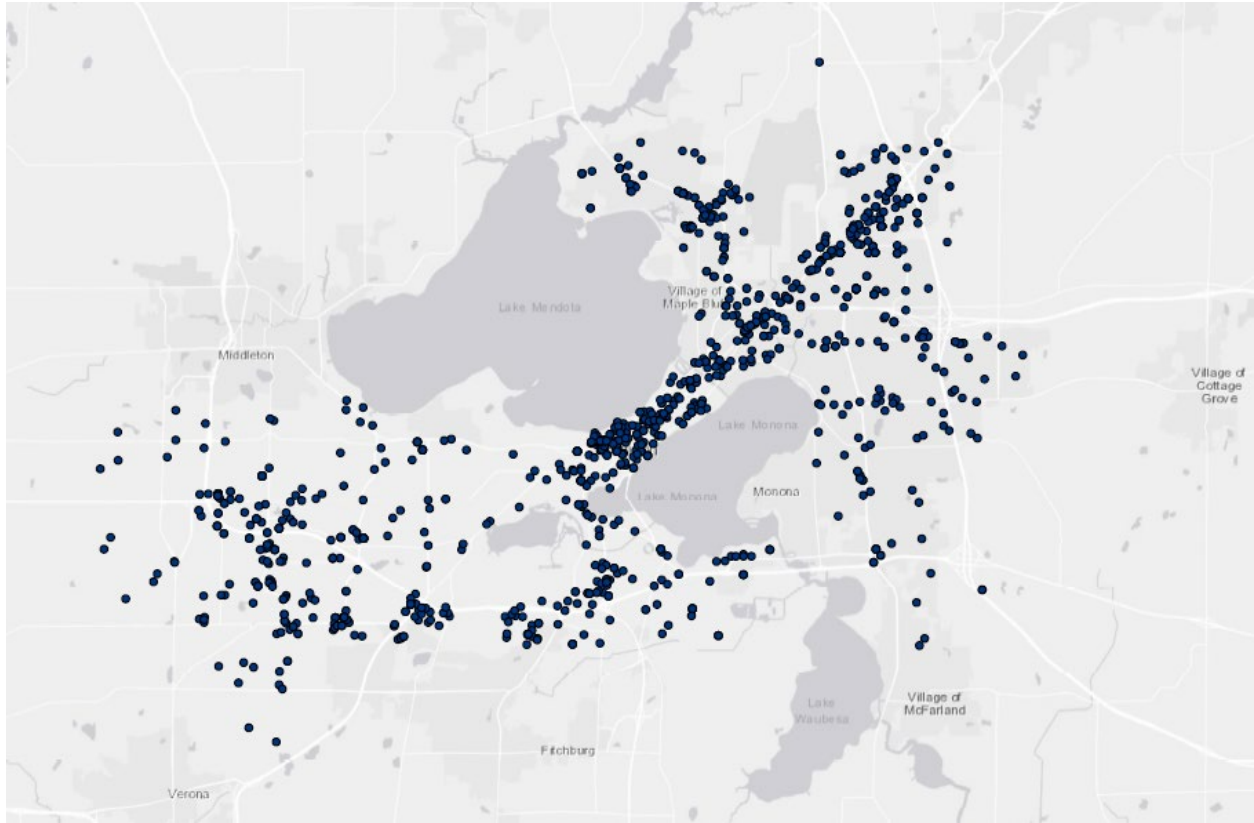
\*“Hispanic” is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD’s records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD’s crime reporting.

IBR Arrest Charges						
Group A Offenses	Q1	Q2	Q3	Q4	Total	%
Animal Cruelty	1				1	0.0%
Arson	0				0	0.0%
Assault Offenses	262				262	11.6%
Bribery	0				0	0.0%
Burglary	14				14	0.6%
Counterfeiting/Forgery	6				6	0.3%
Damage to Property	79				79	3.5%
Drug/Narcotic Offenses	138				138	6.1%
Embezzlement	5				5	0.2%
Extortion	2				2	0.1%
Fraud Offenses	16				16	0.7%
Gambling Offenses	0				0	0.0%
Homicide Offenses	1				1	0.0%
Human Trafficking Offenses	0				0	0.0%
Kidnapping/Abduction	23				23	1.0%
Larceny/Theft Offenses	131				131	5.8%
Motor Vehicle Theft	41				41	1.8%
Pornography/Obscene Material	3				3	0.1%
Prostitution Offenses	0				0	0.0%
Robbery	18				18	0.8%
Sex Offenses, Forcible	15				15	0.7%
Sex Offenses, Non-Forcible	0				0	0.0%
Stolen Property Offenses	7				7	0.3%
Weapon Law Violations	33				33	1.5%
Group B Offenses	Q1	Q2	Q3	Q4	Total	%
Bad Checks	0				0	0.0%
Curfew/Loitering/Vagrancy Violations	0				0	0.0%
Disorderly Conduct	462				462	20.4%
Driving Under the Influence	104				104	4.6%
Drunkenness	0				0	0.0%
Family Offenses, Nonviolent	15				15	0.7%
Liquor Law Violations	11				11	0.5%
Peeping Tom	0				0	0.0%
Runaway	0				0	0.0%
Trespass of Real Property	111				111	4.9%
All Other Offenses	764				764	33.8%
<b>Total</b>	<b>2,262</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,262</b>	<b>100.0%</b>

\* More than one charge may be connected to an arrest.

Note that the first table reflect persons arrested, and the third table reflects charges. Some arrested persons are charged with multiple offenses, so the totals will not match.

First quarter arrests reflected geographically:



Comparison of 2020 to 2021 first quarter arrest data:

Sex	2020 (Q1)	2021 (Q1)
Male	1,261	980
Female	511	310
Unknown	1	0
<b>Total</b>	<b>1,773</b>	<b>1,290</b>

Race	2020 (Q1)	2021 (Q1)
Asian	38	21
African-American	780	683
Native American	7	10
Other	32	24
Caucasian	916	552
<b>Total</b>	<b>1,773</b>	<b>1,290</b>

<b>Hispanic*</b>	<b>105</b>	<b>90</b>
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\*"Hispanic" is not a racial designator used for UCR/IBR crime reporting purposes. However, it is an ethnicity collected and tracked in MPD's records management system, in addition to race. These arrest figures are based on that data. Each arrested person with a Hispanic ethnicity will also have a race indicated (from the above options) and reflected in MPD's crime reporting.

## Use of Force Overview

During the first quarter of 2021, MPD officers responded to 28,637 incidents. In that time, there were fifty-five (55) citizen contacts in which officers used recordable force during the encounter. Each of these force incidents was reviewed for compliance with MPD standard operating procedures.

Description	Q1	Q2	Q3	Q4	Total
Calls for Service	28,637				28,637
Citizen Contacts Where Force Was Used	55				55
% of CFS Where Force Was Used	0.19%				0.19%
<b>Force</b>					
Decentralization/Takedown	49				49
Active Counter Measures	6				6
Taser Deployment	7				7
Hobble Restraints	4				4
OC (i.e. Pepper) Spray Deployment	0				0
Baton Strike	0				0
K9 Bite	1				1
Firearm Discharged Toward Suspect	1				1
Impact Munition	1				1
Specialty	0				0
<b>Total</b>	<b>69</b>				<b>69</b>
Firearm Discharged to Put Down a Sick or Suffering Animal	10				10

\*Please refer to the MPD SOP on use of force data collection for the definition of recordable force and distinction between reportable and recordable use of force:

<http://www.cityofmadison.com/police/documents/sop/UseOfForceData.pdf>

First quarter use of force data by MPD district and time of day:

District*	Q1	Q2	Q3	Q4	Total	%
West	6				6	10.9%
Midtown	6				6	10.9%
South	6				6	10.9%
Central	8				8	14.5%
North	12				12	21.8%
East	16				16	29.1%
Out of County	0				0	0.0%
Within County - Assist	1				1	1.8%
<b>Total</b>	<b>55</b>				<b>55</b>	<b>100.0%</b>

Time of Day/Patrol Shift	Q1	Q2	Q3	Q4	Total	%
<b>1<sup>st</sup> Detail (7am – 3pm)</b>	10				10	18.2%
<b>3<sup>rd</sup> Detail (3pm – 11pm)</b>	32				32	58.2%
<b>5<sup>th</sup> Detail (11pm – 7am)</b>	13				13	23.6%
<b>Total</b>	<b>55</b>				<b>55</b>	<b>100.0%</b>

Comparison of first quarter 2020 with first quarter 2021 use of force data:

<b>Force</b>	<b>2020 (Q1)</b>	<b>2021 (Q1)</b>
Decentralization/Takedown	44	49
Active Counter Measures	18	6
Taser Deployment	13	7
Hobble Restraints	13	4
OC (i.e. Pepper) Spray Deployment	2	0
Baton Strike	0	0
K9 Bite	1	1
Firearm Discharged Toward Suspect	0	1
Impact Munition	2	1
Specialty (SWAT/SET)	2	0
<b>Total</b>	<b>95</b>	<b>69</b>

### **MPD Response to COVID-19**

During the first quarter, MPD was able to provide all employees with the opportunity to receive the COVID vaccination. Promega Corporation donated staff and space to provide the vaccinations, and most MPD staff (more than 80%) have received the vaccination.

The department is in the process of determining a timeline for returning to normal operations, consistent with other City agencies.

### **Training**

Forty-nine new officers completed field training and began solo patrol during the first quarter. In addition, spring in-service started; all commissioned personnel will attend. One of the topics is the Police Executive Research Forum (PERF) ICAT (Integrating Communications, Assessment, and Tactics) training. This is a nationally recognized curriculum to improve officers' response to critical incidents. The training focuses on critical thinking, communications, and tactics to improve opportunities for positive outcomes in use-of-force encounters. ICAT is being introduced to all personnel during this training, and an additional session (focusing on scenario training) will follow later this year. Providing ICAT training to all MPD commissioned personnel was a recommendation from the Madison Police Department Policy & Procedure Review Ad Hoc Committee.

### **SOP Updates**

A number of MPD SOPs were updated during the quarter. Copies showing the changes are attached to this memo as an appendix. Note that all MPD SOPs are reviewed regularly, with the most critical SOPs being reviewed annually. This process typically results in additional SOP changes/updates.

MPD has also started posting drafts of new/revised SOPs on our website before final implementation, to allow for public review and comment.



### **Defense Logistics Agency/Law Enforcement Support Office (10-33 program)**

MPD did not acquire any property through DLA/LESO during the first quarter of 2021.

### **Priority/emergency call response**

During the first quarter, there were forty-two (42) instances where MPD's patrol response was limited to emergency and priority calls. Note that some of these instances did not impact citywide response but were limited to a particular district or area of the City.

The sixty-nine instances occurred on thirty-two (32) dates (some days required limited call response multiple times); this means that at some point on **36%** of the days during the first quarter MPD patrol response was limited. The forty-two instances spanned about **83** total hours of limited call response, an average of 2 hours per instance. In terms of total hours during the first quarter, MPD patrol response was limited to emergency and priority calls about **4%** of the time.

### *Promotions*

2021 – First Quarter Promotions

Detective Caleb Johnson to Detective Sergeant  
Police Officer Matthew Magolan to Detective

*Discipline/compliments (link to quarterly PS&IA summary):*

<https://www.cityofmadison.com/police/documents/psiaRecognition2021JanMar.pdf>

<https://www.cityofmadison.com/police/documents/psiaSummary2021JanMar.pdf>

## Updated/New SOPs for MPD: January-March, 2021

CFS Dispatch Guidelines: 02/25/2021

Digital Forensics: 01/19/2021

Domestic Abuse: 01/15/2021

News Media Relations: 01/04/2021

Notification of Commanding Officers: 01/15/2021

Searches: 01/04/2021

Update of Payroll Status for Promoted Employees: 02/01/2021



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Calls For Service (CFS) Dispatch Guidelines

Eff. Date ~~03/23/2020~~ 02/25/2021

### Purpose

This **standard operating** procedure outlines guidelines and expectations for Madison Police Department (MPD) response to calls for service. Any questions about response to a particular call/incident should be directed to the **Officer in Charge (OIC)**. If the OIC is unavailable, the 911 Center should attempt to contact a field supervisor (sergeant) for guidance. If the 911 Center has any question about whether a call should be dispatched and is unable to contact the OIC or a field sergeant for guidance, the call should be dispatched. Shift OICs (shift lieutenants or sergeants filling in as OIC) and field commanders (Lieutenants, Captains, Chiefs) have the authority to deviate from these guidelines on a case-by-case basis.

### Procedure

#### CATEGORIES OF CALL TYPES

Calls/incidents should be categorized as follows for purposes of dispatching MPD officers:

**Priority** – Priority calls are urgent, requiring rapid police response. They generally include Echo, Delta, and certain Charlie level incidents. However, other incident types should be considered priority calls if one or more of the following criteria are present:

- Injuries requiring immediate medical attention (excluding emergency medical calls)
- Crimes in progress (excluding crimes that are referred to self-reporting)
- Incidents involving physical danger or risk to the public
- Most incidents involving firearms or other weapons
- Incidents where the potential for violence exists without police intervention
- Death investigations

Note that under certain circumstances, some Delta and many Charlie level calls may not require an immediate police response and should be considered routine calls. These circumstances would include incidents involving no risk to the public, a significant time delay between occurrence and reporting, and no risk that evidence will be lost if response is delayed.

**Routine** – Routine calls do not typically require an immediate police response and generally include most Bravo and some Charlie level calls. They typically include minor crimes with no suspects present, incidents not involving violence or a risk to the public, incidents with no apparent potential for escalation, etc. Any call should be considered a priority call if the criteria listed above (under the definition of priority calls) are present.

**Low** – Low priority calls are minor incidents, where the timeliness of police response is not an issue. These typically include some Bravo and all Alpha level calls.

#### DISPATCHING OFFICERS

Calls for service should be dispatched to an officer having responsibility for the sector where the incident is being reported, if possible. If multiple officers share responsibility for the sector, an officer the dispatcher reasonably believes is closest should be dispatched whenever possible. However, calls for service and workload should be balanced between officers sharing responsibility for a sector or sectors as much as possible (officers in the first two hours of their shift should be given initial consideration). If no officer having responsibility for the sector is available:

- Priority calls should be dispatched to the nearest available officer, regardless of district assignment.
- Routine and low call types should be dispatched to another district officer and should only be held for an officer responsible for that sector if he/she asks that the call be held and will be available to respond in a reasonable time (no more than ten minutes, except between the hours of 6 a.m. and 7 a.m.).

Officers shall not disregard backup, if so assigned by dispatch, prior to arrival at the scene and assessment of the situation.

Supervisors are expected to routinely monitor calls for service to ensure these guidelines and protocols are being followed. It is realized, however, that it may occasionally be necessary, when circumstances dictate, for a supervisor to direct a course of action outside of these guidelines.

Officers with questions about being dispatched to a call should contact the OIC or a field supervisor and should not question the dispatcher.

### CALL REPORTING LOCATIONS

MPD response to incidents is related to the location of the complainant, not the location of the incident being reported. If a citizen is reporting an incident that happened at another location in the City of Madison, an officer responsible for the sector where the complainant is reporting the incident should be dispatched and shall investigate the incident. This includes incidents reported at the **City County Building (CCB)** or MPD District Stations.

The only exception is for calls to hospital emergency rooms. When calls for service are received from a hospital emergency room, an officer responsible for the hospital should initially be dispatched (a district officer should be dispatched if an officer responsible for the hospital is unavailable). The officer should respond and obtain preliminary information from the complainant. If the incident being reported took place in another district and appears as if it will require significant follow-up, or if a supervisor believes based on the type of incident reported that it will likely require significant follow-up, a supervisor may elect to have resources from the district where the incident occurred respond in addition to, or instead of, the officer responsible for the hospital.

If citizens located outside the City of Madison call to report an incident that occurred in the City of Madison, an officer the dispatcher reasonably believes is closest to the citizen's reporting location should generally be dispatched, unless the citizen's reporting location is more than a reasonable driving distance from the City of Madison limits (generally, more than five (5) minutes driving time). In those instances, an officer responsible for the location where the incident occurred should be assigned to contact the complainant by phone.

### DISPATCH PROTOCOLS AT SHIFT CHANGE

During the period of 6am to 7am, it is expected that 911 Center and patrol personnel will adhere to the following protocols:

- **Priority calls:** Shall be dispatched to an officer the dispatcher reasonably believes is closest regardless of district or shift assignment.
- **Routine calls:** Shall be dispatched for service when an early, first detail officer responsible for the sector or district assigned officer is available; **early first detail officers start their regular shift at 6:00am. Late fifth detail officers may be required to assist as backup in the last hour of the shift; late fifth detail officers end their regular shift at 7:00am.**
- **Low priority calls:** Shall be held until late first detail cars are in service.

Officers shall check in by radio with dispatch immediately after citywide briefing.

## OFFICERS IN THE LAST HOUR OF SHIFT

During the last hour of their shift, officers will be expected to be available in their assigned area. Officers should not be dispatched to low priority calls during the last hour of their shift (except to back up an officer if no other district officers are available) and should not be dispatched to routine calls in the last 30 minutes of their shift (except to back up an officer if no other district officers are available). When appropriate, an officer may go into the station prior to the end of their shift to complete necessary tasks when approved by the OIC. Approval should be requested via **Mobile Data Computer (MDC) message** or telephone, rather than through dispatch. Officers are reminded that **the Madison Professional Police Officer Association (MPPOA)** contract provides for eight minutes prior to the end of the tour to file reports and to clean and store equipment.

## CFS RESPONSE LEVELS

Generally, MPD commissioned personnel will respond to calls for police service received by the Dane County 911 Center based on officer availability and prioritization of calls. However, on occasion it is necessary for a restricted response protocol.

MPD will have three levels of response:

- **Normal:** The assignment of police units to calls for service will continue under current guidelines and practices as outlined in this document. Officers will respond to calls for police service (depending on officer availability) and can continue to engage in pro-active activity (traffic stops, foot patrol, etc.).
- **Priority Call Response:** MPD will only respond to priority calls for service as defined on page one of this document. Priority Call Response includes Limited Crash Response (**defined below**), but Limited Crash Response does not always include Priority Call Response.

The OIC or a field commander can set this response level city-wide or **can** limit it to a specific radio channel response area (Central, East, and North/Channel 1 or Midtown, South, and West/Channel 3). Factors to be considered by OICs or field commanders when determining whether to modify MPD call response include the following: resource-intensive calls requiring a substantial number of assigned officers (i.e., tactical calls, large scenes, etc.), volume of calls requiring prolonged officer engagement (i.e., emergency detention conveyances, **Operating While Intoxicated (OWI)** warrant processing, etc.), staffing levels, special events, extreme weather conditions, or other unusual situations requiring significant MPD resources.

Before going to priority call response, the OIC should assess the availability of other MPD resources (**Community Policing Team (CPT)** officers, **Neighborhood Police Officers (NPOs)**, **Neighborhood Resource Officers (NROs)**, etc.) to supplement call response. When needs exceed resources, the OIC can request mutual aid, or require a shift holdover, or personnel call-in, or **Special Event Team (SET)** or **Special Weapons and Tactics (SWAT)** activation. Additionally, OICs should refrain from going to priority call response for on-duty trainings and patrol officers should refrain from pro-active activity to be available for calls.

- **Limited Crash Response:** MPD response to non-crash related calls for service will continue as normal; however, during Limited Crash Response, officers **Officers** will not respond to motor vehicle crashes on private property (unless an injury is involved), or to other motor vehicle crashes that do not involve injury or public road blockage (except for accidents involving City-owned vehicles or off-duty MPD commissioned personnel). The OIC should be consulted for crashes involving other government owned (non-City) vehicles. If the 911 Center cannot determine whether the accident involves injury or

public road blockage, an officer should be dispatched. Limited Crash Response may be activated without Priority Call Response. The decision to go on Limited Crash Response is the responsibility of the OIC and should be evaluated as motor vehicle crash calls for service are generated by the 911 Center. Limited Crash Response is not intended to be a proactive, restrictive response to calls for service in anticipation of potential forecasted weather.

### **OIC EXPECTATIONS FOR PRIORITY CALL/LIMITED CRASH RESPONSE**

When an OIC or field commander determines that MPD response will be temporarily modified to priority call response or limited crash response, the OIC should immediately notify the 911 Supervisor by telephone (608) 267-3913 (supervisor phone). The 911 Supervisor will immediately inform the primary MPD dispatchers who will notify their respective MPD personnel via radio.

The 911 Supervisor will create an "Information" incident and assign the **Priority Call for Service ("PRCFS")** unit. The OIC will notify the 911 Supervisor of the specific reason for the modified call response (resource-intensive call with case number, snowstorm, etc.) and any changes in modified call response (from a city-wide limit to specific radio channel response area only, etc.) and this information shall be documented in the incident notes. If an OIC wishes to have the ability to add call notes, the OIC will need to specifically request to **be have his or her unit number** added to the incident as an additional assigned unit. The OIC will notify the 911 Supervisor via telephone when MPD response will be returned to routine response and clear the Information incident on the CAD without a report.

The purpose of this incident is to capture via the **Computer Aided Dispatch (CAD)** system the amount of time MPD spends on a modified call response. The 911 Supervisor and the OIC are encouraged to work together to evaluate the need for priority call or limited crash response status as conditions warrant.

### **911 CENTER EXPECTATIONS**

#### **Limited Crash Response**

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During periods when MPD is in limited crash response mode, if the crash is of a nature to which MPD will not respond, the caller should be advised that no MPD response will occur. The caller should be provided information on how to report the crash themselves.

If, at the time MPD transitions to limited crash response mode, there are non-injury/blockage crashes in queue, officers should not be dispatched to those crashes. The 911 Center should, if possible, call the complainants back, advise them that no MPD response will occur, and refer the citizens to complete a State of Wisconsin Crash Report Form (DT4002), available on the Department of Transportation website.

The call should be canceled from the pending queue and cleared with a disposition code of D. Calls may be dropped even if a particular complainant cannot be re-contacted.

#### **Priority Call Response**

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During periods where MPD is in priority call response mode, the 911 Center should adhere to the following process when receiving incoming requests for MPD service:

- The call taker should obtain full information from the caller (location of incident, identity of complainant, nature of complaint, etc.) and enter it into the CAD as an incident. If the call is of a nature to which MPD will not respond at that time (based on the criteria explained above), the complainant should be advised that MPD response will be delayed. The caller should be advised to call back if the incident escalates or circumstances change in a way that would make police response necessary.
- The dispatcher will, as resources permit, dispatch officers to priority calls in accordance with the criteria explained above. Calls that do not meet the criteria will remain in queue.

- When MPD's response level returns to normal, calls in queue should be dispatched as resources permit.
- If a caller re-contacts the 911 Center and indicates an unwillingness or inability to continue waiting for MPD response, they should be advised to call back at another time and the call should be cleared with a CAD disposition code of D.
- If the 911 Center has **ANY** questions about whether a particular call should be dispatched, they should consult with the OIC (or a field supervisor if the OIC is unavailable).

If, at the time MPD transitions to priority call response mode, there are calls in queue of a nature to which MPD will not respond to under priority call response mode, officers should not be dispatched to those incidents. The 911 Center should, if possible, call the complainants back and advise them that MPD response will be delayed. Citizens with concerns about MPD's response should be referred to the OIC.

### CFS AT THE PUBLIC SAFETY BUILDING

MPD should not handle any calls for service occurring within the Public Safety Building (PSB). This does not prohibit MPD from assisting with crimes/disturbances in progress where a request for assistance has been made to stabilize and control the situation. Once stabilized, the incident should be turned over to **personnel from** the Dane County Sheriff's Office (DCSO). This restriction does not apply to incidents reported by callers in the Public Safety Building that occurred elsewhere in the City of Madison.

### DANE COUNTY COURTHOUSE AND CITY-COUNTY BUILDING

MPD has responsibility for responding to incidents occurring within the City-County Building (excluding the jail).

MPD and DCSO share responsibility for the Dane County Courthouse. DCSO has responsibility for courtrooms, courtroom holding cells, and other non-public areas. MPD has responsibility for public areas (hallways, offices, entryway, weapons screening, etc.). MPD officers will respond to assist with emergencies occurring in areas of DCSO responsibility.

### DETOX CONVEYANCES FROM HOSPITAL EMERGENCY ROOMS

**Subject Conveyed to Emergency Room by Another Law Enforcement Agency** – If a law enforcement agency conveys an individual from their jurisdiction to a Madison emergency room for medical treatment and that person needs transportation to Detox after being medically treated, it is the responsibility of the agency that conveyed the individual to the hospital in the first place to convey the incapacitated subject to Detox. This applies even if the officer/deputy has returned to their jurisdiction and applies to jurisdictions outside of Dane County. MPD officers will not make conveyances to Detox under these circumstances. If MPD conveys an individual from our jurisdiction to an **Ee**mergency facility in another jurisdiction for medical treatment and that subject needs transportation to Detox after being medically treated, it is the responsibility of MPD to convey the incapacitated subject to Detox.

**Subject Conveyed to Emergency Room from Detox** – If a person who has been admitted to Detox is conveyed to a Madison emergency room for medical treatment, it is the responsibility of Detox to arrange for that subject to be conveyed back to Detox after they have been medically treated. MPD officers will not make conveyances to Detox under these circumstances. This applies even if the person was originally conveyed to Detox by an MPD officer.

**Subject Conveyed to Emergency Room by Other Means** – If a subject was conveyed to a Madison emergency room from another jurisdiction by a non-law enforcement agency, MPD officers should respond (if requested) to evaluate the subject and determine whether the subject is incapacitated by alcohol. If the subject is deemed to be incapacitated by alcohol, the subject will be placed under protective custody and conveyed to Detox. This includes subjects conveyed to Madison emergency rooms by ambulance from other jurisdictions. If a subject from Madison was conveyed to an **Ee**mergency facility outside of MPD's jurisdiction without MPD, the jurisdiction where the **Ee**mergency facility is located

with the subject will respond and determine if the subject is incapacitated by alcohol. MPD will not make conveyances to Detox under these circumstances.

Deviations from these procedures must be approved by a supervisor.

## EMERGENCY DETENTIONS FROM HOSPITAL EMERGENCY ROOMS

**Subject Conveyed to Emergency Room by Another Law Enforcement Agency** – If a law enforcement agency conveys an individual from their jurisdiction to a Madison emergency room for medical treatment and that person is determined to be experiencing a mental health crisis requiring an Emergency Detention, it is the responsibility of the agency that conveyed the individual to the hospital to make the Emergency Detention. This applies even if the officer/deputy has returned to their jurisdiction and applies to jurisdictions outside of Dane County. MPD officers will not make Emergency Detentions under these circumstances.

**Subject Conveyed to Emergency Room by Other Means** – If a subject was conveyed to a Madison emergency room from another jurisdiction by a non-law enforcement agency, responsibility for processing the emergency detention lies with the agency where the dangerous behavior (providing the basis for the emergency detention) occurred. If this is not immediately clear, MPD officers should respond (if requested) to evaluate the subject and determine where the dangerous behavior providing the basis for the emergency detention occurred. If that behavior occurred in another jurisdiction, it is the expectation of MPD that **personnel from** the outside agency would respond and complete the Emergency Detention process.

Deviations from these procedures must be approved by a supervisor.

## Detox

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- MPD officers should not convey individuals from Detox to a hospital or other treatment facility.
- MPD officers should not convey individuals from Detox to jail if the person was originally placed in protective custody by another jurisdiction.
- MPD officers will convey our arrests to jail from Detox.

## JRC

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- MPD will respond to the **Juvenile Reception Center (JRC)** to investigate all calls for service occurring within JRC.
- Officers shall conduct assessment of persons taken to JRC and if necessary should have person medically evaluated prior to JRC intake.
- If MPD officers are presenting a person to JRC and, at the time of intake or shortly thereafter, it is determined that a medical release/clearance is necessary, MPD officers should convey the person to a medical facility for that evaluation.
- MPD officers should not make scheduled conveyances from JRC.

## ALARM RESPONSE

- MPD officers will continue to be dispatched to residential burglary alarms as well as burglary alarms from government buildings and religious facilities.
- MPD officers will continue to be dispatched to citizen-reported audible alarms.
- MPD officers will continue to be dispatched to any human-activated alarm, whether it originates from an individual, residence, or a business, including alarm activations where a person is on scene and is providing an incorrect passcode to disarm the alarm.
- MPD officers will continue to be dispatched to mechanically activated commercial burglar alarms received between the hours of 10pm and 6am.



- MPD will utilize a “broadcast and file” protocol for mechanically activated commercial burglar alarms received between the hours of 6am and 10pm. When calls of this type are received, the 911 Center should broadcast the information to officers working in the vicinity of the address where the alarm occurred. This is information for district officers, with no expectation that a police response will occur. Officers may elect to respond if they choose.
- MPD should only be dispatched to mechanically activated commercial alarms if verification that a problem may exist has been received. There is no expectation that a citizen will be asked to enter a potential crime scene; any observation that leads a reasonable person to believe that a crime may be in progress or may have already taken place will suffice.

Note that an MPD Commander must contact the on-duty 911 Center Supervisor with temporary deviations from this policy. These deviations can specify that officers should be dispatched to alarms from a particular address, in a particular district, during a particular time frame, etc. If the modified response will remain in place for more than a single shift, the request to the 911 Center must be in writing.

## **NOISE COMPLAINTS**

If it has not been possible for MPD officers to respond to a noise complaint (call type L49) for one hour and the 911 Center has not received any additional calls on the incident, the call should be canceled from the pending queue and cleared with a disposition code of D. Noise complaints should not be dropped if multiple calls are received reporting the same problem, or if a complainant requests contact with an officer.

## **RETAIL THEFTS**

### **Active Retail Thefts (Suspects on scene)**

1. Officer will be dispatched as soon as possible per CFS guidelines if:
  - a. Theft is over \$50.00
  - b. Suspect is on-scene (or immediately in the area)
  - c. Store can articulate a willingness to pursue charges
2. Dollar amount requirement may be negated if theft involved another citable offense
3. If suspect is fleeing but no officer is available:
  - a. Dispatch should provide the **Loss Prevention Officer (LPO)** with case number
  - b. Dispatch will announce the information over the air in case any officers are nearby and want to break
  - c. LPOs will call back with the case number when documentation is ready for pickup
4. LPOs may pre-call if:
  - a. Suspect is utilizing an edged weapon to remove anti-theft devices
  - b. Suspect has fled in the past
  - c. Individual(s) concealing felony amount

### **Cold Scene Retail Thefts (Suspects not on scene)**

1. Officer will be dispatched as soon as possible per **Calls For Service (CFS)** guidelines if all of the following exist:
  - a. Theft is over \$50.00
  - b. Store has suspect info that readily **ID's identifies** the suspect (name, license plate, quality **pics pictures**)
  - c. Store can articulate a willingness to pursue charges
  - d. LPO has completed the store documentation and has two copies of video ready to turn over to officer
    - i. If not ready upon initial call, LPO should obtain the case number from Dispatch and call back when documentation is available
  - e. Exceptions:
    - i. The Retail Theft involves theft of a firearm

- ii. LPO is injured

### **SERVING WARRANTS FOR OTHER JURISDICTIONS**

These guidelines should be adhered to when outside agencies request that MPD officers serve warrants:

Under the following conditions, MPD officers will respond and attempt service as requested, whenever possible:

- Felony warrants, where violence was involved.
- To locate subjects named in a probable cause affidavit if the probable cause affidavit is related to domestic violence.
- To serve a misdemeanor warrant related to domestic violence if exigent circumstances exist related to domestic violence.
- To serve apprehension requests from the Wisconsin Department of Corrections for probation and parole violations.

Under the following conditions, service requests will be forwarded to the OIC via inter-departmental envelope for attempted service, as time/resources are available (officers should not be dispatched in these cases):

- Nonviolent felony warrants.
- Misdemeanor warrants unrelated to domestic cases.
- Traffic warrants from outside jurisdictions.
- Municipal Ordinance violations.

Deviations from these guidelines must be approved by a supervisor.

### **OUTSIDE AGENCY TRANSLATION REQUESTS**

Requests from outside agencies for MPD officers to assist with language translation should be cleared through the OIC unless the need for assistance is urgent or requires immediate response. The OIC will determine whether MPD officers will assist and what the scope of their assistance will be.

### **OUTSIDE AGENCY VEHICLE PURSUITS**

When an outside agency is engaged in a vehicle pursuit in the City of Madison or approaching the City of Madison, Dispatch will notify MPD officers of the reason for the pursuit as soon as possible.

### **CRASHES INVOLVING CITY EMPLOYEES**

An MPD supervisor should be dispatched to any motor vehicle accident (in the City) involving an MPD officer (on or off duty) or any on-duty City of Madison employee.

### **TRAFFIC CRASHES (INCLUDING HIT AND RUN CRASHES)**

Officers should be dispatched to **ALL** crashes (on either private or public property) except as follows:

- All the vehicles/pedestrians involved in the crash have left the scene prior to contacting police, unless special circumstances prompted their leaving (following a hit and run suspect vehicle, seeking medical treatment, moving out of traffic, etc.)
- During all weather-related emergencies when Limited Crash Response rules are in effect (unless crash involves injuries, blockage, MPD officer on or off duty, or any on-duty City employee)

**Note: Traffic crashes are not handled through the MPD self-reporting system.** Under the above circumstances, citizens should be referred to complete a State of Wisconsin Crash Report Form (DT4002) available on the Department of Transportation website.

## DISPATCH PROTOCOL FOR COMMUNITY POLICING TEAMS

The Community Policing Teams (CPTs) are primarily intended to do proactive work related to Drugs, Traffic, Community Policing initiatives, and other District-related issues. CPTs are available to assist Patrol with Calls for Service in a limited capacity.

The CPTs may be used to assist with Calls for Service under the following circumstances:

1. When so directed by the Officer in Charge (OIC) or District Commander.
2. At the discretion of the CPT Sergeant.

Other personnel may request the use of the CPTs for assistance with issues. These requests should be routed through the District Commanders for planned events and through the OIC for issues arising during the working shift.

Calls most suitable for the CPTs to be utilized are as follows:

1. Calls involving drugs.
2. Calls involving significant threat to officer safety, where the coordinated response by a team of officers, under the direction of a Sergeant, would facilitate safe handling of the incident.
3. Priority calls at times when Patrol does not have sufficient staffing to adequately handle the situation.

## DISPATCH PROTOCOLS FOR K9 TEAMS

Patrol K9 teams should be dispatched to calls where a K9 may be needed. These include burglaries and robberies (in-progress or recent), barricaded subjects, vehicle/foot pursuits, weapons offenses, drug investigations, etc. When not on a K9 incident, patrol K9 officers may be dispatched to back up patrol officers or to respond to minor incidents as needed, but should not be used as a primary unit.

Outside agency requests for an MPD K9 team should be approved by the OIC. This does not prevent a K9 officer from responding to assist with an emergency request outside the City.

## SPECIAL DUTY RADIO NUMBERS

MPD officers working special duty assignments are required to have a portable radio and to check in with dispatch at the start and end of their assignments. Each special duty assignment will have an accompanying special duty radio/unit number assigned. Officers who are unaware of their assigned radio/unit number, or who were not assigned one, should contact the 911 Center data operator for their special duty radio number.

If a call is received from a location where a special duty officer is working, the appropriate patrol officer(s) should be dispatched. The special duty officer should be notified of the call and he/she will assist if appropriate (based on expectations for that particular special duty assignment).

## OFFICER SELF-INITIATED ACTIVITY

The 911 Center should generate incident numbers for all "traffic stops" called out by MPD officers. Incident type L60T shall be used to code this type of patrol activity. The 911 Center dispatchers will also create a single incident number (using incident type L60T) for pre-planned traffic initiatives and attach all involved officers to the incident on the CAD. Incident type 132B3 should continue to be utilized for all other traffic incidents.

The 911 Center should generate incident numbers for the below listed “patrol related activities” called out by MPD officers using the corresponding incident type:

Activity Type	Incident Type	
Traffic stop/enforcement	L60T	
Directed foot patrol	L66F	Check Area/Foot Patrol
Property Checks	L66P	Check Property
Community Policing (meetings, etc.)	L87C	Assist/Comm Policing
Language Translation	L87T	Assist/Translate
Follow up investigations	L88F	Assist/Follow Up
On-Duty Court	L89C	Assist/Court
On Duty Training (ODS shoots, etc.)	L88T	On Duty Training
Any other self initiated activity	***	Most applicable call type

Officers who advise they do not want a case number should be cleared with a ‘No Report’ disposition.

### CRITERIA FOR ROUTING TO THE SELF-REPORTING SYSTEM

The following criteria outline the circumstances under which incidents should be routed to the **MPD Self-Reporting System**. The 911 Center, using these guidelines, should determine whether a particular incident should be routed to the Self-Reporting System or be dispatched to a patrol officer. The OIC should be consulted with questions about how to handle a particular incident (what constitutes unusual circumstances, etc.).

Note: any complainants requiring special language assistance (translation, **Telecommunications Device for the Deaf (TDD)**, etc.) should not be referred to the Self-Reporting System; an officer should be dispatched to assist.

### Video Evidence

Any incident that involves video evidence which can be used to identify a suspect should be dispatched to an officer except in the case of a theft/retail theft in which the value of the loss is less than \$50.00.

### Damage to Property and Theft (Including Stolen Bicycles\*):

*\*Bicycles taken from a garage/building may constitute a burglary; should not be referred to Self-Report.*

Callers should be routed to the Self-Reporting System only if:

1. Not in progress (suspect is no longer on the premises, is not in custody, is not being pursued);
2. Loss/Damage is less than \$2,500 in value;
3. No suspect information readily identifies the suspect (name, license plate, video evidence, etc.);
4. No obvious physical evidence left behind by the suspect (does not include fingerprints/DNA);
5. The occurrence does not involve multiple offenses by the same suspect or at the same location;
6. Does not involve theft of a firearm.

Thefts from underground parking garages or entries into locked vehicles parked inside of underground parking garages may constitute a burglary. As a result, an officer should be dispatched to investigate.

In the case of multiple offenses that appear related (multiple autos entered/damaged, etc.), an officer should be dispatched to investigate. The officer should complete a report documenting the pattern and any specific offenses for which a complainant can reasonably be contacted. Self-reporting forms can be left for victims who are not able to be contacted (under a windshield, in a door, etc.).

Officers should be dispatched to all graffiti complaints.

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**Theft of Electronic Devices**

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An officer should be dispatched to the theft of an electronic device (phone, tablet, computer, etc.) when the victim/owner of the device has device tracking information which may lead to a suspect.

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**Retail Theft**

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Should be routed to the Self-Reporting System only if:

1. Loss is less than \$50, even with video evidence or cooperative suspect on scene
2. Theft over \$50, but not in progress and no readily identifiable suspect information
3. Incident does not involve multiple offenses or multiple stores
4. Does not involve theft of a firearm
5. Does not involve the use of force or the threat of force

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**Obscene/Annoying Phone Calls**

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Should be routed to the Self-Report System only if:

1. No threats were made.
2. The victim has no suspect information.
3. The victim does not wish to see an officer and only wants to document the incident.

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**Lost Property**

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All Lost Property calls are routed to the Self-Report System unless unusual circumstances require a police response.

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**Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station**

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Should be routed to the Self-Report System unless other criminal behavior or unusual circumstances require a police response.

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**Worthless Checks**

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MPD officers should not be dispatched to Worthless Check complaints unless some unusual, special circumstances exist; all worthless check complaints should be routed to the Self-Report System.

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**Forgery and Frauds**

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If the forgery or fraud is related to prescription drugs, the call type should be reclassified as a "Drug Incident" and an officer response is required.

For all other forgery, fraud, phone scams, financial, and credit card crimes, the incident should be routed to the Self- Report System only if:

1. The crime is not in progress (suspect is no longer on the premises, is not in custody, is not being pursued)
2. There is no suspect information that readily identifies the suspect (name, license plate, video evidence, etc.)
3. The financial offense is not related to another crime (checks stolen in a burglary, for example);
4. The amount of loss is less than \$2,500;
5. There are no special circumstances involving the victim (elderly, disabled, etc.).

If the above criteria are not met, officer response/investigation is required.

## ASSIGNMENT OF OFFICER ID#S NUMBERS TO SELF-REPORT CALLS FOR SERVICE

MPD staff may be generating case numbers for “self-report” calls (e.g., walk-in customers to the district stations). Therefore, should MPD support staff call the 911 Center and request a case number for a self-report, ~~we are requesting~~ MPD staff will request that the 911 Center staff ~~to~~ use the employee’s assigned radio number to generate the case number and upon clearing the call, use a disposition code of S for “self report.”

\*\*For PSC 911 Center staff: place the unit on duty, assign them, clear them, and return the unit to off-duty status.

**If an officer is dispatched to an incident and, after contacting a victim/witness/etc., determines that the incident would have qualified for diversion to the self-reporting system, he/she should continue to investigate the incident and complete a report. OFFICERS SHOULD NOT PROVIDE SELF-REPORT FORMS TO CITIZENS IN LIEU OF PERFORMING AN INVESTIGATION AND COMPLETING A REPORT.**

### Disposition Codes

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The following CAD/Law Enforcement Records Management System (LERMS) disposition codes should be used as indicated:

- A** – Crash report (the officer completes a crash report, including DT4002 and MPD4000).
- C** – Citation issued (the officer completes and issues at least one citation without completing a report)
- D** – Dropped incident number (used for traffic crashes to which officers do not respond during limited crash response periods, noise complaints to which officers are unable to respond within one hour, or any other incident to which officers are unable to respond due to limited resources, workload, etc. This includes calls cancelled by complainants, if the cancellation is due to lack of a timely MPD response).
- F** – Field Report (the officer completes a field report)
- N** – No report (the incident does not require a report)
- R** – Report (the officer completes a report, excluding accident reports and field reports)
- S** – Self report (the incident is referred to the self self-reporting system)
- U** – Unfounded report (the incident is unfounded; no report is completed)

Officers should enter the disposition code via MDC when clearing from an incident, or, if unable to do so, notify dispatch of the proper disposition code.

## PARKING ENFORCEMENT DISPATCH PROTOCOLS

The following guidelines are to help assist Dane County 911 Dispatch **personnel** when dispatching Parking Enforcement Officers (PEOs) to parking related calls. It is important to understand that PEOs are not armed law enforcement officers and should not be dispatched to a call requiring a sworn officer. These three guidelines should be followed at all times:

1. **Contesting Citations** – A PEO should never be dispatched to respond to a citizen contesting a citation. All questions should be forwarded to the Traffic Office at 266-4622.
2. **Serious Police Incident** – Do not dispatch a PEO into an area of a serious police incident where the PEO’s safety might be at risk (weapons offenses, barricaded subjects, etc.).

3. **Police Officer Back up** – There are several addresses tagged in the CAD system that require a police officer back up when dispatching for a parking call; an officer should be sent to accompany a PEO who is dispatched to these locations. Officers should only be dispatched to private parking complaints if a PEO is not available or not on duty.
4. **Severe Weather** – In the event there is severe weather (i.e., tornado, severe thunderstorm, blizzard, etc.) that would put the officer's safety at risk, dispatch should notify the PEOs of this warning. All parking calls should be held until the warning or severe weather has passed.

### **Calls for Service**

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The Madison Police Department utilizes PEOs to respond to parking complaints. Please use the following guidelines when dispatching PEOs to parking complaints. Please include the location and type of call over the air when dispatching a PEO for all complaint types. \*Effective 2/10/17 – PEOs will no longer require the complainant to sign reports.

#### ***Private Property Complaints***

In order for the PEOs to be efficient in their jobs and while responding to calls, please include the location and type of call over the radio. This allows for other PEOs that may be closer to the call to respond. **Please note that we will not tow for private property complaints. Parking will only tow a vehicle if it is blocking access to a parking lot or a driveway.**

When dispatching a private property call, make sure the following questions are being asked:

- Is the person calling authorized to make the complaint (an authorized person is a property manager, owner, maintenance person, or designee)?

If **YES**, include the following information in the call notes:

- First and last name of complainant
- Contact number with area code
- Exact address where complainant will be waiting

If **NO**:

- Inform the caller they will need to contact their management company.

**All guidelines for the AM-shift apply with the following exceptions:**

- From the hours of 3pm-6pm (peak hour tow routes), inform complainant that they may have a longer wait for a PEO to respond.
- PM-Shift PEOs will carry cell phones if callbacks are needed. However, the complainant should be informed to be waiting for PEO at the stated address.

#### ***Fire Lane Violations***

These violations can be ticketed on sight and do not require a complainant.

#### ***Disabled Parking Violations***

If the violation is on private property (residential, apartment complex, etc.), the complainant must be either a manager or resident from the property. Make sure to include the complainant's name and phone number in the call.

If the violation is on a property open to the public (mall, gas station, restaurant, etc.), no complainant information is needed.

### ***Blocked Driveway***

Ascertain if the complainant wants the vehicle towed. Verify that the complainant is a resident or has a connection with the property.

**If YES:**

- The PEO will assess the situation and make a decision on whether or not the vehicle will be towed. The PEO no longer needs to make contact with the complainant.

**If NO:**

- PEO will issue citation only without complainant contact.

### ***Less Than Four Feet of Mailbox***

This type of complaint can only be addressed if it is the property owner/manager/resident calling. This ordinance is only enforced during normal mail delivery hours and days (Monday – Saturday 8a-6p). Complaints cannot originate from a member of the United States Postal Delivery Service.

### ***No Motor Vehicle Idling***

The “Motor Vehicle Idling” ordinance prohibits vehicles from idling for longer than five (5) consecutive minutes when the outside temperature is between 20-90 degrees. This type of complaint will originate primarily from the Dispatch Center or contacts with citizens.

Parking Enforcement will only respond to vehicles **on the City street or public right of way**. Complaints regarding vehicles idling on private property will need to be routed to City Zoning.

### ***Street Storage Complaints***

All complaints regarding abandoned vehicles are to be forwarded to the Abandoned Vehicle line at 266-4624 or [pdparking@cityofmadison.com](mailto:pdparking@cityofmadison.com).

### ***Temporary Posting***

All temporary postings must be checked 48 hours in advance by a PEO before any action can be taken. If the caller is requesting for the signs to be checked, transfer the call to the Traffic Office at 266-4622 during the hours of 8a-4p, Monday-Friday. We do not check temporary postings **on** the weekends or evenings.

If the call is to tow from a posted area, make sure to obtain the complainant’s contact information and inform them they will need to meet the PEO onsite to point out the vehicle(s) in violation. The PEO will verify if the posting has been approved and will take proper action.

### ***School Zone Enforcement***

Currently there are four PEOs assigned to enforce school zones enforcement in the morning and afternoon.

### ***Alternate Side Parking***

The Alternate Side PEOs are hired as hourly employees during the winter months (November 15–March 15). These employees are scheduled to work between the hours of midnight-6a. There are a total of eleven officers that are comprised of three (3) Lead Workers and eight (8) officers. They are only authorized to issue Alternate Side Parking and Snow Emergency citations and should not be utilized for other parking complaints. They are not authorized to tow vehicles.



All alternate side parking complaints should be forwarded to the Traffic Office at 266-4622.

Questions regarding Alternate Side Parking or Snow Emergency can be directed to the Winter Parking Hotline – at 261-9111 or at [www.cityofmadison.com/winter](http://www.cityofmadison.com/winter).

Original SOP: 03/01/2014

(Revised: 10/03/2016, 11/16/2016, 05/12/2017, 08/18/2017, 01/25/2018, 07/05/2018, 09/24/2018, 01/15/2019, 07/22/2019, 03/23/2020, 02/25/2021)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Digital Forensics

Eff. Date ~~12/28/2020~~ 01/19/2021

### Purpose

Enhance the capabilities of Madison Police Department (MPD) personnel in the investigation and prosecution of crimes that involve the use of computers, tablets, cellular phones or other data storage devices.

### Goals

1. Properly investigate and assist in the prosecution of cases involving digital evidence.
2. Preserve the integrity of seized digital evidence.
3. Provide expert testimony in court.
4. Act as an educational and training resource for the MPD and the community.

### Function

The function of digital forensics includes the investigation of crimes committed involving the use of computers, cellular phones and other data storage devices which may include:

1. Use of electronic devices to commit or facilitate a crime.
2. Any crime outlined in Wisconsin State Statute 943.70 or computer crimes defined by federal code.
3. Perform forensic analysis of digital evidence in felony cases where evidence or information pertinent to an investigation may be stored.
4. Provide technical assistance and guidance in the proper safeguarding and collection of evidence stored in electronic form.

### Collection of Devices with Digital Evidence

#### DESKTOP COMPUTERS

If the computer is shut down, **do not** turn it on. If the computer is powered on, **do not** shut it down. Check the monitor to determine if there is any information that may require photographic documentation and request an investigator for photos if necessary. Unplug the power cable from the rear of the computer, **not from the wall outlet**. Collect the computer tower. There is no need to collect the power cable **unless** the computer is an Apple product. Please collect the power cable for all Apple computers.

#### LAPTOP COMPUTERS

If the laptop is shut down, **do not** turn it on. If the laptop is powered on, **do not** shut it down. Check the screen to determine if there is any information that may require photographic documentation and request an investigator for photos if necessary. Unplug the power cable from the rear of the computer, **not from the wall outlet**. If the laptop stays powered on after the cable is removed, remove the laptop battery, if possible. If not, close the laptop and leave it powered on. Collect the laptop computer and the power cable for all laptops.

#### CELL PHONES / TABLETS / MOBILE DEVICES

Once it is determined that the device will require examination, **do not** allow anyone other than L.E. personnel to handle or manipulate the device. If the device is shut down, **do not** turn it on. If the device is powered on, shut it down. Collect the device. If the device is going to be examined on consent, complete the "Consent to Search Cell Phone" form and have the cell phone owner sign the form. Do not forget to ask if the phone has a pass code security lock and indicate the pass code number or pattern on the consent form.

## THE HANDLING OF DIGITAL DATA INVOLVING KNOWN OR SUSPECTED CHILD PORNOGRAPHY:

When MPD staff comes across evidence that includes known or suspected child pornography extreme measures must be taken to ensure that this evidence is safely maintained and stored so that it can never be viewed outside of the official scope of the investigation. MPD staff shall also follow federal legislation regarding child pornography prevention, (The Adam Walsh Child Protection and safety act, HR-4472) and Section 3509 of title 18, United States code:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.”

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.”

MPD personnel shall adhere to the following operating procedures:

- 1) MPD personnel not assigned to the Digital Forensics Unit (DFU) or the Special Victims Unit (SVU) shall never copy or reproduce in any manner items that contain known or suspected child pornography. If MPD investigative personnel, prosecuting attorney’s staff or attorneys or subject matter experts for the defense need to view the material for investigative or trial preparation purposes, arrangements shall be made with the computer forensic investigators assigned to the DFU for viewing to take place in the DFU office with relevant parties present.
- 2) MPD personnel assigned to the DFU may copy or reproduce and distribute items that contain known or suspected child pornography only at the request of a government agency or for submission to a government agency such as the National Center for Missing and Exploited Children (NCMEC). In such situations the copied material must be delivered by MPD personnel directly to a government agent or delivered in the manner directed by the agency’s submission guidelines.
- 3) If MPD personnel not assigned to the DFU receive evidence of known or suspected child pornography during the course of an investigation that evidence should be clearly identified as child pornography when packaged and entered into the MPD property system. Digital files such as images and videos should be placed on digital media and labeled clearly on the digital media “CHILD PORNOGRAPHY DO NOT DUPLICATE.”

## Investigation

During the course of their investigation, MPD personnel are strongly discouraged from interacting directly (or allowing victims or witnesses to do so) with computers or other electronic devices that will subsequently be seized as digital evidence, unless they have been specifically trained to do so or there are exigent circumstances requiring such interaction. All activities on a computer or cell phone may be reflected in a forensic examination, and interacting with the device may overwrite or alter digital evidence or otherwise complicate a forensic examination. If it is necessary to interact with the digital evidence, document the date, time and activity involved. All examination, retrieval and analysis of digital evidence is to be done by FSU forensics examiners unless otherwise authorized by command staff.

Transport all devices to a district property intake room and package the item in the manner described in the Evidence Packaging Manual. If the device is going to be transported and released directly to a forensic examiner, the device must have an assigned property tag number prior to the examiner taking custody of the device.

## Examination and Analysis of Electronic Evidence

### EVIDENCE INTAKE

1. All evidence submitted to the DFU must have a property tag and must be accompanied by an electronic lab request.
2. The forensic examiner will verify and document by description, serial number and condition, any evidence submitted.
3. The forensic examiner will ensure the legal authority for the search of the evidence is in place and documented; a complete copy of the search warrant or consent form shall be submitted during intake.

### PRESERVATION OF EVIDENCE

1. Digital evidence in the custody of digital forensic examiners will be handled in a manner consistent with the preservation of evidence.
2. Digital forensic examiners shall ensure the chain of custody of any evidence submitted for forensic examination is maintained and documented during the examination process. Evidence will be properly secured while in the custody of digital forensic examiners.

### DIGITAL EVIDENCE ACQUISITION

1. Whenever possible, write-blocking tools are to be used during the acquisition of forensic images to prevent original evidence from being modified.
2. All analysis (beyond a forensic preview using write-blocking tools) shall be conducted using a forensic copy of the drive. In some circumstances, including the acquisition of data from mobile devices and solid state hard drives, changes to the original evidence may be unavoidable due to the nature of these devices.
3. Forensic copies shall be obtained using hardware and software specifically designed to capture a forensic copy of the original media. When it is not possible to obtain a validation hash, the digital forensic examiner will document the circumstances in their report.
4. All items may not need to be forensically imaged provided the media has been previewed and no evidence was found. Lack of a forensic copy will be documented in the examiner's report.

### ARCHIVING OF EVIDENCE

All forensic case data shall be archived. Archived media shall be maintained with the same level of security as the original evidence.

Archived case data may be permanently destroyed or deleted from the Digital Forensics Unit (DFU) server if the lead investigator notifies the MPD Property Section of the case evidence disposition or at the direction of an authorized entity (e.g. the City of Madison Attorney's Office).

### RELEASE OF EVIDENCE

Evidence released from digital forensic examiners will be done in accordance with MPD policies. No media shall be released from law enforcement custody which contains contraband (child pornography).<sup>1</sup>

### Prosecution

The case detective shall provide direction to the forensic examiner regarding the preparation and presentation of electronic evidence throughout the prosecution process.

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<sup>1</sup> Any evidence recovered during a child pornography investigation should be property tagged and placed in evidence—no photocopies of any images, emails, etc. should be sent to Records as attachments.

The forensic examiner shall assist in the presentation and preparation of digital evidence for court to include training and an explanation of the findings to the assigned District Attorney.

Regarding release of information as part of the discovery process:

1. The forensic examiner shall, at the direction of the lead investigator, prepare evidence to be released or presented to the defense (copies of media, evidence files, cell phone extraction reports, etc.).
2. The forensic examiner shall coordinate with the MPD Records Section or the Prosecutor's Office regarding access or release of evidence and other information to the defense.
3. Contraband, child pornography images, or 3rd party information in any format, written or electronic, shall not be released to the defense without a valid court order. Access to this type of data, or forensic examination of the evidence by the defense, can be arranged by appointment through the forensic examiner.

## Reporting

MPD personnel shall document all actions and observations in regard to the handling of computer or electronic evidence, consistent with MPD procedures relating to reporting, such as:

1. Collection of computers and electronic evidence.
2. Any specific actions related to interaction with digital evidence.
3. Chain of custody.

Original SOP: 02/25/2015

(Revised: 01/19/2017, 12/13/2017, 12/28/2020, 01/19/2021)

(Reviewed Only: 01/30/2019, 01/31/2020)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Domestic Abuse**

Eff. Date ~~02/28/2020~~ 01/15/2021

**Purpose**

This outlines procedures to be used for conducting investigations of domestic abuse pursuant to Wisconsin State Statute 968.075(1)(a).

**Procedure**

**MANDATORY ARREST (WI STATE STATUTE 968.075)**

The officer **will** arrest and take a person into custody if ALL of the following apply:

1. The officer, after investigating the incident, has **probable cause** to believe that the person's actions constitute the commission of a crime, and
2. The relationship is considered domestic under the law:
  - Spouse
  - Former spouse
  - Adults residing together
  - Adults formerly residing together
  - Adults with children in common; and
3. The suspect's acts constitute **DOMESTIC ABUSE**:
  - Intentional infliction of physical pain, physical injury, or illness **OR**
  - Intentional impairment of physical condition **OR**
  - 1st, 2<sup>nd</sup>, or 3rd Degree Sexual Assault **OR**
  - A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subs 1, 2, or 3.
4. The officer has evidence of PHYSICAL INJURY to a victim or reasonably believes there is a likelihood of continued abuse.
5. Crime was reported within 28 days of its occurrence.

***In circumstances meeting the mandatory arrest requirements, the suspect SHALL be taken to the Dane County Jail for booking if the suspect is present. Citations shall NOT be issued in these cases.***

**AT LARGE SUSPECTS**

1. Officers should attempt to locate and take domestic abuse suspects into custody.
2. If the suspect cannot be located, then the officer shall complete a probable cause affidavit, booking sheet, and 72-Hour No Contact Provision. The date and time of arrest should be left blank on the 72-Hour No Contact Provision if the suspect is not in custody.
3. The PC affidavit, booking sheet, and 72-Hour No Contact Provision shall be forwarded to the OIC's office.
4. When the suspect is taken into custody, the officer will read the probable cause affidavit and attempt to interview the suspect regarding the incident. If probable cause still exists after this interview, the suspect shall be taken to the Dane County Jail (DCJ) and booked in.
5. Once the suspect is taken into custody, the date and time of arrest should be completed on the 72-Hour No Contact Provision. The victim should be notified of the date and time of arrest, and this notification should be documented on the 72-Hour No Contact Provision. If unable to contact victim to make this notification, then the officer should document the attempt to contact the victim in their report.

## ARREST FACTORS

1. An officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.
2. Additionally, the victim's consent, willingness to engage in prosecution, or relationship with the suspect are NOT factors in the arrest decision.

## DISCRETIONARY ARREST (PRO-ARREST)

- ~~1. In cases involving Intimate Partner Violence, officers should make a physical arrest if a crime has been committed, even if the circumstances do not meet mandatory arrest requirements.~~

## DISCRETIONARY ARREST (INTIMATE PARTNER VIOLENCE)

1. Madison Police Department officers are encouraged to take a pro-arrest approach when officers are investigating Intimate Partner Violence, but have not established a confirmed domestic relationship exists, as outlined above.
2. The following factors should be considered when making this decision:
  - a. Probable Cause exists that a crime of violence has occurred,
  - b. Physical injury exists, or
  - c. The officer reasonably believes there is a likelihood of continued abuse.
3. In cases of Intimate Partner Violence (IPV) and a physical arrest is made, officers shall also complete the Danger Assessment form and Law Enforcement Advocate Program (LEAP) Referral form.

## REPORT REQUIRED WHERE NO ARREST

1. Officers shall complete a report on all domestic violence calls. The report shall be completed prior to the end of their shift unless a supervisor approves for the report to be held.
2. The domestic abuse arrest law requires a law enforcement officer who does not make an arrest in a domestic abuse incident, but has probable cause to make an arrest, to prepare a written report prior to the end of his or her tour of duty stating why the person was not able to be taken into custody.
3. The report will be sent to the District Attorney's Office for review to determine whether the person involved in the incident should be charged with the commission of a crime.
4. Please refer to the "AT LARGE SUSPECTS" portion for procedure.
5. While Wisconsin State Statute 968.075 (Domestic Abuse Incidents) compels reasonable efforts to locate and arrest suspects who have committed acts of domestic abuse, there will be limited instances when this is not possible. (Hence, the need to forward a copy of the officer's incident report to the District Attorney's Office.) Examples where an arrest may not be immediately plausible include the following:
  - a. Reasonable efforts to locate and arrest the suspect are unsuccessful.
  - b. The suspect is located, but due to incapacitation from alcohol and/or drug use, the suspect is placed under protective custody and conveyed to Detox.
  - c. The suspect has been committed under the standard for an emergency detention.
  - d. The suspect has received injuries necessitating an overnight admission to a hospital. Consult with the Officer-in-Charge (OIC) to determine whether a guard should be posted.
6. When probable cause exists to arrest a domestic abuse suspect who is at large, the reporting officer will:
  - a. Enter suspect information and charges into SharePoint.
  - b. Complete a probable cause affidavit and consider having a sergeant or commander review the probable cause affidavit.
  - c. Complete the 72 Hour No-Contact paperwork.
  - d. Complete a Dane County Booking form.
  - e. Complete the required Leap LEAP Referral Form and Danger Assessment Form in instances of Intimate Partner Violence (IPV) (See below).
  - f. Forward the Booking form and Probable Cause Affidavit to the OIC.

## MUTUAL DOMESTIC ABUSE

When the officer has **probable cause** to believe that persons in a domestic relationship are committing or have committed domestic abuse against each other, the officer should not arrest both persons, but should only arrest the predominant aggressor.

**Predominant Aggressor** means the most significant, but not necessarily the first, aggressor in a domestic abuse incident. In determining who is the predominant aggressor, an officer should consider:

1. The intent of the law to protect victims of domestic violence;
2. The relative degree of injury or fear inflicted on the persons involved;
3. Any history of domestic abuse between these persons, if that history can reasonably be ascertained by the officer;
4. Statements of witnesses; and
5. Whether either party acted in self-defense or in defense of any other person.

**Self-defense:** A person may use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person.

## PAPERWORK

When a DOMESTIC ABUSE arrest occurs, officers shall complete a 72-Hour No Contact Provision and provide the victim with a Victim Rights Information (VRI) Form (VRI). In cases of Intimate Partner Violence (IPV), officers shall also complete the Danger Assessment and Law Enforcement Advocate Program (LEAP) Leap Referral.

## 72-HOUR NO CONTACT PROVISION

1. Unless there is a waiver by the alleged victim, during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person is required to:
  - a. Avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim; and
  - b. Avoid contacting or causing any person, other than law enforcement officers and either party's attorney to contact the alleged victim.
2. At any time during the 72-hour period specified above, the alleged victim may sign a written waiver of the 72-hour No Contact Provision. The Madison Police Department (MPD) will have Change of Status forms available for this purpose. Copies of the 72-hour No Contact Provision and the Change of Status forms shall be provided to the suspect, Dane County Communication Center, Dane County Jail, and MPD Records.
3. The officer responsible for the arrest of a person for a domestic abuse incident will ensure that the alleged victim is notified of the No Contact Provision.

## VIOLATION OF 72-HOUR NO CONTACT PROVISION

1. Violation of the 72-Hour No Contact Provision is a new crime. If an officer has probable cause to believe the 72-Hour No Contact Provision has been violated, the offender shall be arrested and taken to the Dane County Jail.
2. A new case number is required for the new violation.
3. A new 72-Hour No Contact Provision should be completed by the investigating officer.
4. If the Danger Assessment and LEAP were completed following the initial arrest, those forms do not need to be completed again.

Arrest for a Violation of 72-Hour No Contact is mandated by **WI Wisconsin** State Statute 968.075



## NOTIFICATION TO VICTIMS-VICTIM RIGHTS' INFORMATION FORM

These requirements are mandated by Chapter 950 of the **WI-Wisconsin** State Statutes.

If law enforcement has reasonable grounds to believe that a person is committing or has committed domestic abuse, they must inform the victim of the following:

1. The availability of all shelters and services dealing with domestic violence and sexual assault issues in the victim's community.
2. Providing the victim with a statement that reads substantially as follows, "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under 813.12 of the Wisconsin Statutes (domestic abuse or harassment injunction)."
3. Provide victims with written notice of their Chapter 950 rights within 24 hours of contact.
4. Chapter 950 of the Wisconsin **State** Statutes also allows law enforcement to share information with victim service organizations.

***These mandated requirements are met by providing victims with a Victim Rights Information Sheet (VRI). Notification to victims should be documented in the report.***

## LEAP REFERRAL

Law Enforcement Advocate Program (LEAP) referrals should be made for victims of Intimate Partner Violence (IPV). IPV can be physical, sexual, or psychological harm by a current or former spouse/significant other, individuals who have a child in common, and/or stalking victims. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

1. If there is probable cause to make an arrest for an intimate partner domestic violence incident, the LEAP Referral Form should be completed.
2. At the end of the arresting officer's shift, the LEAP referral form should be placed in the LEAP mailbox in their respective **D**district. A **Domestic Abuse Intervention Services (DAIS)** advocate will contact the victim as soon as possible the next business day following a weekend or holiday.
3. The district **Police Report Typist (PRT)** will scan the LEAP form to the LEAP **folder on the O:\network drive folder**. The scanned forms will be forwarded to the DAIS Crisis Response Advocate and the Crisis Intervention Services Manager by the Executive Section LEAP PRT.
  - a. A District Detective Lieutenant will retain possession of the LEAP referral form for 30 days, or until acknowledgement from DAIS advocate that the referral form has been received. Once acknowledgement is received, the LEAP referral form will be destroyed.

## DANGER ASSESSMENT

A Danger Assessment Form should be completed for victims of Intimate Partner Violence (IPV). IPV can be physical, sexual, or psychological harm by a current or former spouse/significant other, individuals who have a child in common, and/or stalking victims. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

The Danger Assessment is a predictor of lethality for the victim and the relationship. The more behaviors noted by the victim, the higher the danger is for the victim. The five questions at the top are the highest predictors of lethality.

1. The completed Danger Assessment Form will be included with the arresting officer's original report as an attachment.
2. The Danger Assessment Form will be forwarded to the Dane County District Attorney's Office along with the case intake.
3. The responses on the Danger Assessment should be taken into consideration by detective lieutenants reviewing the case to determine appropriateness of case assignment.

## INCREASED PENALTY FOR CERTAIN DOMESTIC ABUSE OFFENSES 939.621

If a person commits an act of domestic abuse as defined in [s. Wisconsin State Statute 968.075 \(1\)\(a\)](#) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than two years if the crime was committed during the 72 hours immediately following an arrest for a domestic abuse incident, as set forth in [Wisconsin State Statute 968.075 \(5\)\(c\)](#). The victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the original arrest. The penalty increase under this section changes the status from a misdemeanor to a felony.

## CHILDREN PRESENT DURING DOMESTIC ABUSE CRIMES

1. Note the names, ages, custodial parents, and addresses of all children and whether they were present when the domestic incident occurred.
2. Children should be interviewed as potential witnesses about the current incident, history of abuse, and abuse toward any other members of the household.
3. If the disposition of a dispute leaves minors in the home without a responsible adult, the officers are to contact the Dane County Department of Human Services for temporary arrangements.
4. Due to the high correlation between domestic violence and child abuse, children should be checked for signs of child neglect or abuse. In the event that a minor child appears to be the victim of physical and/or sexual abuse, it is the responsibility of the officer to take immediate action, including notifying the Dane County Department of Human Services (261-KIDS) within 12 hours of report of the incident per Wisconsin [State Statute 48.981\(3\)](#).

## WEAPONS SEIZURE

1. Weapons used in the commission of a crime should always be seized as evidence.
2. Weapons shall be seized from any individuals prohibited from possessing a firearm.
3. Possession of a firearm by a convicted felon is prohibited by Wisconsin State Statute 941.29 and Federal Regulation 18USC 922(g).
4. Possession of a firearm by a domestic abuse or child abuse respondent is prohibited for the duration of the injunction. If a respondent is in possession of a firearm, this is a felony offense. The respondent should be arrested for Possession of a Firearm (941.29 (1m)(f)) and the weapon should be seized, and photographed.
5. Safekeeping. If you are on the scene of a domestic and no weapons were used in the commission of a crime, you should still ask about access to weapons. If the victim is a spouse, ask if they would like you to take the weapons (marital property) for safe-keeping while the case is pending.
6. Possession of a firearm OR ammunition by a person prohibited from possession by federal regulations. (See below)

## FEDERAL GUN VIOLATIONS

It is a federal offense for a person, **convicted** of a crime classified as a crime of domestic violence, to possess a firearm; Federal Regulations 18USC911 (g)(9).

Under this law, qualifying domestic violence crimes are those where:

- There was use or attempted use of physical force
- There was threatened use of a deadly weapon
- It is a crime against a partner in a domestic relationship
- It is a child abuse crime.

The law was effective September 30, 1996 and convictions are retroactive from that date.

Mandatory arrest does not apply to violations of the federal gun regulation. If the officer has information that the subject has been arrested for a crime prohibiting possession of a firearm and is in possession of or owns a firearm, the officer should:

1. Document evidence of the previous domestic violence conviction in their report.
2. Seize the weapon IF the officer has legal access to the weapon.
3. Document evidence that the subject knowingly possessed the firearm.
4. Photograph the firearm that was seized.

A copy of the report should be forwarded to the appropriate federal agency.

## LAW ENFORCEMENT INVOLVED DOMESTIC VIOLENCE

The following procedure shall be adhered to when investigating domestic abuse that involves law enforcement personnel.

Responding to domestic abuse incidents involving law enforcement personnel poses increased dangers to responding officers due to the involved personnel's potential access to firearms, as well as knowledge by the potentially involved law enforcement personnel regarding police tactics and the law.

When responding to domestic abuse incidents involving law enforcement, the following procedures shall be followed:

1. Once officers arrive on scene of a domestic abuse incident involving law enforcement, the officer should contact dispatch and request a supervisor, regardless of the involved officer's jurisdiction.
2. A supervisor of higher rank than the involved officer(s) should respond to the scene.
3. When an officer is arrested, the supervisor shall attempt to seize firearms.
4. If the incident involves the chief of police, an outside agency should be contacted to take lead on the investigation.
5. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed.

## TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS (WI STATE STATUTE 813.12)

There are four different types of injunctions that can be granted in Dane County: Domestic Abuse, Harassment, Child Abuse, and Individuals at Risk.

Domestic Abuse injunctions are typically granted for four years, but can be granted up to ten years. Ten-year injunctions are granted where the petitioner has presented a preponderance of evidence that there is a substantial risk that the respondent may commit 1<sup>st</sup> or 2<sup>nd</sup> Degree Homicide, or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Degree Sexual Assault, or 1<sup>st</sup> Degree or 2<sup>nd</sup> Degree Sexual Assault of a Child against the petitioner.

Knowingly violating a Temporary Restraining Order (TRO) or Injunction is a misdemeanor under Wisconsin law and the police officer should:

1. Verify that the TRO/injunction exists, either through Data or DCJ records.
2. Determine whether the TRO/injunction has been served. This information can be obtained through **Public Safety Communication Center Data Operator** or Spillman **jail records**.
3. Determine the specific restricted granted in the TRO/injunction.
4. Serve the TRO/injunction to the suspect if it has not been served, noting date, time of service, and officer name on the back of the TRO copy. Additionally, notify dispatch of the date and time of service. Attach a copy of this form to your report. The victim's copy of the TRO/Injunction can be used to serve notice to the suspect.
5. **CONSTRUCTIVE KNOWLEDGE:** In cases where the suspect was served with the TRO and failed to show for the injunction hearing, the injunction is automatically granted. If the suspect had been served with the TRO, then the suspect has constructive knowledge that an injunction was granted. Therefore, the suspect should be considered on notice of the injunction and shall be arrested for any violations.
6. The officer will make an arrest for a violation of the order when there is an order in existence, the order has been served, and there is probable cause to believe that it was knowingly violated.

7. If the officer is arresting for the violation of a Domestic Abuse Injunction, this constitutes a new domestic abuse crime under **WI Wisconsin** State Statute 968.075, so a 72-Hour No Contact Provision shall be completed.
8. If an officer has probable cause to believe the injunction has been violated more than once, then a charge of stalking should be considered. The officer should obtain a new case number and offer the Danger Assessment and LEAP forms.
9. A Violation of a TRO or injunction may or may not constitute a new crime under **WI Wisconsin** State Statute 968.075. If the nature of the contact is benign, then it might result in only a violation of the injunction or TRO. If the nature of the contact involves additional crimes, then the Mandatory Arrest procedure shall be followed.

### **STALKING (WI STATE STATUTE 940.32(2))**

If an officer develops probable cause that a stalking has occurred and mandatory arrest requirements are met, then an arrest shall be made in accordance with Wisconsin State Statute 968.075. Stalking behaviors are an indication of high lethality of the relationship, and should be taken seriously.

### **STALKING WARNING LETTER**

In cases where mandatory arrest does not apply, a Stalking Warning Letter may be issued to the suspect. The Stalking Warning Letter can be issued by other jurisdictions or by telephone. Officers shall document in the report that the Stalking Warning Letter was issued, and a copy should be attached to the officer's report.

It is **NOT** necessary that the Stalking Warning Letter be issued prior to an arrest for Stalking.

The safety of the victim should be considered when determining to make an arrest or not for an offense of Stalking.

Officers shall document and collect any and all evidence related to the stalking behavior, including but not limited to, text messages, emails, voicemails, social media posts, letters, cards, gifts, and video.

Other offenses related to, or potentially involved in Stalking, include, but are not limited to, Criminal Damage to Property, Unlawful Use of the Telephone or Computerized System, Intimidation of a Victim, Harassment, Representations Depicting Nudity, Invasion of Privacy, and Violation of a Domestic Abuse Injunction.

### **STRANGULATION/SUFFOCATION (WI STATE STATUTE 940.235)**

In cases of Strangulation that meet the mandatory arrest criteria, officers shall make an arrest. Officers should consider that consent is not a criminal element of Strangulation.

#### **Procedure**

1. Victims of strangulation should be encouraged to respond to Meriter **Hospital Emergency Room (ER)** for medical assistance and a Forensic Nurse Exam (**FNE**). Strangulation injuries are often not visible, so medical care is important for the victim's well-being. The forensic exam is important for prosecution of offenders. Officers shall assist transporting victims to Meriter ER if needed.
2. Visible injuries should be documented and photographed. Ligatures, or any other type of physical evidence used in the commission of a Strangulation or Suffocation, should be collected.
3. Documentation of all signs and symptoms of strangulation is critical due to the lack of visible injuries in the majority of strangulation cases. A list of signs and symptoms of strangulation can be found on the back of the Danger Assessment. This guide can be used to facilitate a detailed interview.
4. If the suspect is present on scene and willing, a buccal standard should be obtained from the suspect when it is known that the victim will be responding to Meriter ER for an **Forensic Nurse Exam (FNE)**.

5. Officers sent to Meriter to collect a strangulation FNE kit should place the kit into MPD property according to the MPD property room guidelines.

Original SOP: 07/01/2015

(Revised: 02/24/2016, 03/31/2016, 01/15/2019, 02/28/2020, 01/15/2021)

(Reviewed Only: 01/09/2017, 12/26/2017)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



News Media Relations

Eff. Date ~~08/13/2018~~ 1/4/2021

**Purpose**

The Madison Police Department (MPD) actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations or the integrity of the investigation. However, certain information must be withheld from the news media in order to protect Constitutional Rights of an accused, to avoid interfering with an active investigation, or because it is legally privileged.

**Procedure**

**NEWS RELEASES / INCIDENT REPORTS / FACEBOOK / TWITTER / INSTAGRAM / YOUTUBE/BLOG**

The MPD makes every effort to release information, without partiality, through website postings, social media, news conferences and other avenues.

1. The on-duty Officer In Charge (OIC) will have the responsibility for the coordination and dissemination of information to the news media relative to significant police operations and/or major incidents during each tour of duty. This would include information about arrests of persons that have a high likelihood of heightened public interest.
2. District Commanders are responsible for reporting information regarding major events and activities that occur within their respective districts which require the use of significant police resources as well as information which addresses crime trends and other issues of public safety. Release of this information should be done through postings on the MPD website, **blotters, social media**, messages sent to email groups, community meetings and/or other means. These efforts should be coordinated with the Public Information Officer (PIO).
3. Commanders and supervisors of specialized units (e.g., Dane County Narcotics and Gang Task Force, Traffic Enforcement Safety Team, **Community Outreach Team**, Amigos en Azul, K9 and Mounted Patrols) are responsible for providing pertinent information to media regarding unit activities. The release of this information may be coordinated with the Public Information Officer.
4. The Office of Professional Standards and Internal Affairs will provide summaries to the media at the time of case disposition per the Complaint Acceptance and Investigation Procedure.
5. Shots fired information will be released only if determined to be confirmed as outlined in the Investigation of Incidents Involving Shots Fired Standard Operating Procedure.

**ON-CAMERA, TELEPHONE OR IN PERSON INTERVIEWS**

We encourage officers to engage in conversations with the media as part of our attempt to be transparent. If the situation is more of a feature story, officers should feel free to talk to the media. When this occurs, the PIO shall be notified of the subject discussed. This notification **ideally should be done prior to the interview but** can occur after the interview was conducted **if time sensitive**.

If the media is trying to interview someone related to a more significant/serious incident or investigation, officers should notify the OIC or a scene supervisor so that a PIO or other designated person can provide the necessary interviews with the media.

In serious situations, officers can provide process information or basic information about an incident we have responded to without getting into specifics (i.e., we are investigating a roll-over accident). All on-camera interviews should be coordinated by a scene supervisor or a commanding officer. If the PIO is not called in, an email should be sent to the PIO and the Chief's Office explaining the circumstances around the interview and the topic(s) discussed.

## **SUPERVISOR RESPONSIBILITIES**

It is the responsibility of all supervisors to contact the OIC if they are assigned to or aware of any incident that has a potential public safety concern. These incidents include, but are not limited to:

- Stranger Sexual Assault
- Robbery
- Weapons Violation
- Home Invasion
- Any other high profile incident that has a significant police presence/response or public safety concern

If there is any doubt whether the incident meets this criteria, please contact the OIC.

## **PIO RESPONSIBILITIES**

When an arrest occurs by the MPD that may result in a heightened public interest, the OIC should contact the PIO by email, unless the situation is urgent. It will be the responsibility of the PIO to write the release of information.

Original SOP: 02/25/2015

(Reviewed Only: 02/04/2016, 12/20/2016, 12/26/2017)

(Revised: 05/02/2018, 08/13/2018, 1/4/2021)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Notification of Commanding Officers

Eff. Date ~~12/30/2019~~ 01/15/2021

## Purpose

To clarify the situations requiring the notification of District or Work Unit Command Staff.

## Required Notification of Commanding Officers

The following situations always require the notification of the District/Work Unit Command staff **and** the Assistant Chief of Field Operations **as soon as possible regardless of when the incident occurs.** ~~When possible, contact should first be made with District/Work Unit Command staff, who will then notify the Assistant Chief of Field Operations. These notifications shall be made as soon as possible and should be made directly to one member of the District/Work Unit Command staff.~~ Voice/Text messages should be left, but it is important to have direct contact with the command staff **and an assistant chief of the district or work unit involved.** The Officer in Charge is responsible to ensure these notifications are made.

1. A homicide or attempted homicide where death appears probable or where the victim sustains a significant injury. This includes weapons offenses where a victim is shot, stabbed (non-superficial), or sustains other injuries requiring hospitalization.
2. Weapons offenses of shots fired into an occupied residence or into an occupied vehicle.
3. When the suspect or person of interest of a high profile case has been arrested (i.e. homicide, attempted homicide, or any other high profile case that has received media attention).
4. A situation requiring an SWAT call-up. **NOTE: SWAT Commander will be called first** in this instance.
5. A situation requiring a SET call-up. **NOTE: SET Commander will be called first** in this instance.
6. A fatal traffic crash.
7. A significant incident involving an employee, on or off duty, e.g., serious injury or death of an employee, officer-involved shooting or use of deadly force, serious disciplinary measures, allegations of or arrest for criminal violations, or an employee or his/her family members being the victim of a serious violent crime. This includes on duty injuries in which an officer is unable to complete their shift. These examples are illustrative and not meant to be inclusive. **NOTE:** The Chief of Police wants to be notified in the event of ANY employee—sworn/civilian—injury, whether on or off-duty.
8. MPD arrest of any law enforcement officer.
9. A fire that results in a fatality.
10. A significant community issue or incident that requires police attention or involves notable persons.
11. Unusually extensive criminal damage to property/graffiti.
12. When a case is generating significant media interest and the scene supervisor is requesting PIO assistance.

If there is any doubt as to whether a call should be made, make the call. When unable to contact the appropriate Commanding Officer, contact should be attempted as follows:

1. Assistant Chief of Field Operations
2. Assistant Chief of Investigative and Specialized Services
3. Assistant Chief of Support and Community Outreach
4. Executive Section/Operations Captain
5. Any other District Commander

## CONSULTATION WITH DISTRICT, WORK UNIT, OR ON-CALL DETECTIVE LIEUTENANT

Many cases warrant the immediate involvement of detectives and additional investigative resources. During normal work hours, the appropriate Detective Lieutenant, Investigative Lieutenant, or Detective Sergeant may be contacted directly. After 4 pm on weekdays, during normal Detective on-duty hours, the OIC can contact Detective Sergeants or Detectives directly with pre-approval from District, Work Unit, or On-Call Lieutenants.



The following table lists the incident types which **require** contact with the appropriate Lieutenant. In some cases, contact is only required in the event that a Patrol Supervisor or the Officer in Charge determine that additional investigative resources are needed. In cases where contact is required or additional resources are being requested, the Officer in Charge should contact the appropriate person from the table.

INCIDENT TYPE	Contact required	Mon - Fri	After Hours, weekend or holiday
Homicide / Attempted Homicide where death appears probable	<b>Yes</b>	VCU Detective Sergeant	Investigative Services Lieutenant of VCU  <i>Back-Up: Either of the VCU Detective-Sergeants</i>
Kidnapping	<b>Yes</b>		
Weapons offense with occupied building or vehicle struck	<b>Yes</b>		
Victim with a gunshot wound	<b>Yes</b>		
Self-inflicted gunshot wound	If additional resources are needed	District Lieutenant	Detective On-Call Detective Lieutenant
Infant/Child death investigation or significant head or brain trauma	<b>Yes</b>	SVU Detective Sergeant	Investigative Services Lieutenant of SVU  <i>Back-Up: Captain of Investigative Services SVU Detective Sergeant</i>
Child abduction or attempted abduction (not intended for child custody dispute)	<b>Yes</b>		
Sexual assault of a child ** An after-hours delayed report with no evidence readily available to collect, victim is safe and suspect is known, can be written up and routed to the Investigative Services Lieutenant of SVU	If additional resources are needed		
Physical abuse of a child	If additional resources are needed		
Child Neglect	If additional resources are needed		
Serious or fatal auto crash	<b>Yes</b>	Lieutenant of Traffic and Specialized Training	Lieutenant of Traffic and Specialized Training  <i>Back-Up: Lieutenant of Forensic Services</i>
First or second-degree sexual assault ** An after-hours delayed report with no evidence readily available to collect, victim is safe, and suspect is known, can be written up and routed to the District Detective Lieutenant	If additional resources are needed	District Detective Lieutenant	On-Call Detective Lieutenant
First degree reckless endangering safety	<b>Yes</b>		
Arson to occupied building	<b>Yes</b>		
Home invasion without shots fired	If additional resources are needed		
An investigation that requires additional resources or expertise not available on an on-duty status	If additional resources are needed		
Imminent threat, targeted, or mass casualty violence	<b>Yes</b>		

**NOTE:** There may be circumstances involving crimes other than those already specified, which because of the complexity, on-going crime pattern, etc. (examples: counterfeit rings, business burglaries, armed robberies) warrant the immediate involvement of detectives. A call to the On-Call Detective Lieutenant is appropriate in these instances. **When in doubt**, a call to consult with the On-Call Detective Lieutenant should be made. The on-call contact number is 243-0544.

### **CONTACTING THE FORENSIC SERVICES UNIT LIEUTENANT**

The Forensic Services Unit Lieutenant should be contacted whenever additional investigator resources are needed for an investigation, or for consultation on investigative steps/resources. The following situations **require** notification of the FSU Lieutenant:

1. A homicide or attempted homicide where death appears probable.
2. A serious or fatal auto crash.
3. A death investigation resulting the Medical Examiner's staff requesting an Investigator attend the autopsy.
4. A request by an outside agency for assistance by FSU personnel.
5. An investigation requiring additional FSU resources.

**NOTE:** Notification can be made by on-duty Investigators if time permits. This may help facilitate passing of pertinent information between on-duty investigators and the FSU Lieutenant.

### **CALL-IN PROCEDURE FOR DETECTIVES, SWAT, SET**

When the On-Call Detective Lieutenant has determined that detectives are to be called in, he or she will provide a list of detectives to the OIC. It is the responsibility of the OIC to then contact the detectives from this list utilizing the Telestaff call-in process.

It is recognized that there may be circumstances that prompt the OIC to request assistance from the On-Call Lieutenant in making calls to the detectives, and these situations may be negotiated on a case-by-case basis. However, any further assistance provided by the On-Call Lieutenant is optional and not required.

When the SWAT or SET Commander has determined a unit call-up is warranted, it is the responsibility of the OIC to coordinate the SWAT/SET member notification process utilizing the Telestaff call-in process.

### **NOTIFICATION OF MPPOA/AMPS PRESIDENT**

The President of MPPOA/AMPS should be notified whenever a significant incident involving an employee, on or off duty, occurs, e.g., serious injury or death of an employee, officer-involved shooting or use of deadly force, or an employee or his/her family members being the victim of a serious violent crime. These examples are illustrative and not meant to be inclusive.

### **INFORMATION CONSIDERATIONS PRIOR TO CALLING ON-CALL DETECTIVE LIEUTENANT**

1. Nature of incident (i.e. stabbing, sexual assault, home invasion, etc.); was weapon/force/threat of violence used
2. Scene(s) – located and secured (i.e. vehicle, residence, outdoors, etc.); Supervisor, Detective or Investigator currently involved in on-duty status; presence of evidence; weather conditions that may impact evidence collection; evidence collection coordination
3. Time lapse from incident to reporting — if there was a delay, why
4. Victim(s) information – name; age; current location (hospital, scene, unknown, etc.); injuries; MPD in contact

5. Suspect(s) information – name(s), if known; in unknown, do we have a description or other pertinent information; relation to victim(s); location/custody status, if known;
6. Witness(s) information – are there any; if so, how many; location; MPD in contact
7. Other considerations – language/culture barrier; handicap for any involved parties (physical, mental illness, cognitive delays, etc.); juvenile (Safe Harbor situation, contact DCHS, protection issues, etc.); crowd or media concerns

The above information will assist the On-Call Detective Lieutenant in making a decision on the best way to proceed with the investigation, and who, if anyone, will be called in to assist.

Original SOP: 02/25/2015

(Revised: 02/24/2016, 02/03/2017, 06/15/2017, 02/19/2018, 05/02/2018, 01/17/2019, 05/01/2019, 12/30/2019, 01/15/2021)



# CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## Searches

Eff. Date ~~01/03/2020~~ 01/04/2021

### Searches of Persons

A full search of an individual may only be performed under the following circumstances:

1. Incident to any lawful, custodial arrest authorized by Madison Police Department (MPD) procedures.
2. When a search of the person is authorized by a valid search warrant.
3. When the person has consented to a search of their person, and articulable reasons for the search exist. Whenever an officer requests consent to search, the officer shall document the articulable reasons in a police report.
4. The person has been arrested for a criminal offense (non-traffic) which is a violation of state statute, and the arresting officer elects to release the arrested person and issue a municipal or misdemeanor citation. A search may also be conducted for a violation of City Ordinance Trespass, which has a non-criminal corresponding state statute.
5. If the person to be searched is an elementary, middle, or high school student; the search is conducted in a school environment; the officer possesses reasonable suspicion that the student has committed a crime, ordinance violation, or school rule violation; and the search is being performed at the request of or in conjunction with school officials. The scope of the search must be related to the particular circumstances.
6. The person to be searched is a probationer, parolee, or under extended supervision; was placed on that status after December 2013; and the officer has reasonable suspicion that the person is committing, has committed, or is about to commit a crime or violation of their probation/parole/extended supervision. The scope of the search must be related to the particular circumstances.
7. The person has been lawfully taken into custody pursuant to provisions of Chapter 51 of the Wisconsin Statutes.

### Strip Searches

#### DEFINITION OF A STRIP SEARCH

For purposes of this procedure, a strip search is defined as any search in which a person's genitals, pubic area, buttock or anus, or an arrested female's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

A search warrant will be obtained prior to performing any non-consensual strip search, unless exigent circumstances exist. All non-consensual strip searches will comply with 968.255 Wis. Stats. and the following procedures:

#### STRIP SEARCHES AUTHORIZED

Strip searches or body cavity searches may only be performed in the following circumstances:

1.
  - a. The person to be the subject of the search is an adult arrested for a felony or for a misdemeanor specified in State Statute 968.255(1)(a)2.; or is a child taken into custody under 938.19 if there are reasonable grounds to believe that the juvenile has committed an act which, if committed by an adult, would be covered under sub. A); and
  - b. Probable cause exists to believe that the person to be the subject of the search is concealing contraband or evidence in such a manner that a strip search or body cavity search is necessary to discover or retrieve it.
2.
  - a. The person to be the subject of the search is arrested for a misdemeanor not specified in 968.255(1)(a)2, a violation of state law punishable by forfeiture, or any local ordinance; and

- b. Probable cause exists to believe that the person to be the subject of the search is concealing a weapon or a thing which may constitute evidence of the offense for which **he or she has they** have been arrested in such a manner that a strip search or body cavity search is necessary.
3. The search is authorized by a valid search warrant or court order.

### **Strip Searches Must Be Conducted in the Following Manner**

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1. The officers conducting the search are the same gender as the person to be searched.
2. The officers conducting the search have obtained approval from a supervisor designated by the Chief to grant such approval, unless there is probable cause to believe that the person to be searched is concealing a weapon. The supervisor authorizing the search will complete and sign the strip search authorization form.
3. The search is conducted in a manner so that the person to be searched is not exposed to the view of anyone not conducting the search.
4. The person searched must be provided with written documentation of the search. Such documentation shall include the name of the officers conducting the search, the date and place of the search, and the written authorization from the Chief or his designee.
5. No visual or sound recording is made of the search.

### **DEFINITION OF BODY CAVITY SEARCH**

For purposes of this procedure, a body cavity search is defined as any search of a body cavity that is also a strip search. Therefore, searches of the mouth, nose, or ears are not considered body cavity searches, and do not fall within the restrictions provided by this procedure.

### **Body Cavity Searches Must Be Conducted in the Following Manner**

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1. The search is conducted by a physician, physician assistant, or registered nurse licensed to practice in Wisconsin.
2. The officer directing the search has obtained approval from a supervisor designated by the Chief to grant such approval, unless there is probable cause to believe that the person to be searched is concealing a weapon. The supervisor authorizing the search will complete and sign the strip search authorization form.
3. The search is conducted in a manner so that the person to be searched is not exposed to the view of anyone other than the officers directing the search and the medical personnel needed to perform the search. Officers directing the search must be the same gender as the person to be searched.
4. The person searched must be provided with written documentation of the search. Such documentation shall include the name of the officers directing the search, the date and place of the search, and the written authorization from the Chief or **his the Chief's** designee.
5. No visual or sound recording is made of the search.

### **SUPERVISORS PERMITTED TO AUTHORIZE**

The Chief may designate supervisors who are permitted to authorize searches under this procedure. In absence of contrary direction from the Chief, the following supervisors are designated to authorize searches under this procedure:

1. All command supervisors (Lieutenants and above).
2. Sergeants assigned to Patrol.
3. Sergeants assigned to the Dane County Narcotics **and Gang** Task Force.
4. Detective **s**Sergeants.

### **SEARCHING PHYSICALLY DISABLED PERSONS**

Searches of physically disabled persons shall be conducted pursuant to the requirements of State Statute 968.256 of the Wisconsin Statutes.

## CRIME VICTIMS/PERSONS CONSENTING

The restrictions outlined in this procedure do not apply to strip searches or body cavity searches of crime victims, or to others who are not being detained, who have consented to the search. However, the officers conducting the search must be the same gender as the person to be searched, the search must be conducted in a manner that the person to be searched is not exposed to the view of anyone not conducting the search, and no visual or sound recording may be made of the search. Consensual strip searches or body cavity searches of non-victims must be approved by a supervisor.

## CURRENT FORMS

Most up-to-date Strip Search Forms are located in the filing cabinet in the OIC's Office.

## BLOOD DRAWS

A search warrant will be obtained prior to performing any non-consensual blood draw, unless exigent circumstances exist.

## Searches, Seizures, and Inventories of Motor Vehicles

These guidelines establish procedures for searches, seizures, and inventories of motor vehicles. Because seizures and inventories are treated differently as a matter of administration, they are made the subject of separate guidelines. A search is an examination of a person, place, motor vehicle, or any other thing with a view toward discovery of evidence (contraband, weapons, things used in committing a crime, and other evidence of crime). A seizure involves taking the vehicle itself into custody. An inventory is an examination of a motor vehicle in police custody to account for objects in the vehicle for which the police are responsible.

The Search guidelines on searches are grouped in terms of common situations in which search opportunities arise: where when evidence is found located in plain view or open view; where when an arrest is made (either non-custodial, as in a minor traffic case, or, more typically, as in full-custody arrest, when the suspect is taken to a detention facility or before a judicial officer); where a when searching of an unoccupied vehicle is desired; and finally, where when consent from the owner or driver is sought.

The procedure contained in the guidelines attempt to maximize police efficiency in controlling crime, while at the same time protecting persons from invasions of their privacy.

## Searches of Vehicles Connected with Arrests

### FULL-CUSTODY ARREST

Whenever an officer makes a custodial arrest of a person from a motor vehicle, the officer may conduct a search of the vehicle if there is a reason to believe the vehicle contains evidence of the offense for which the arrest has been made. The search is limited to those places in the passenger compartment where the evidence in question could be located. The search must be contemporaneous to the arrest.

### STOP FOLLOWED BY CITATION

#### 1. Street Citation

A person who is "stopped" by an officer and then is given a warning or issued a citation—but who is not placed under full-custody arrest—should not be searched, nor should any vehicle used by such person be searched, unless the officer has consent or reasonably suspects the person to be armed. In that case, the officer may "frisk" the person and vehicle for weapons.

## 2. Stationhouse Citation

Traffic violators and other persons who are asked to follow an officer to a police facility (e.g., non-resident drivers), but who are not placed under full-custody arrest, should not be searched nor should their vehicle be searched. If the officer making the stop reasonably suspects the person to be armed, the officer may “frisk” the person and vehicle for weapons.

## Searches of Vehicles Not Connected with an Arrest

### SEIZURE OF ITEMS IN PLAIN VIEW OR OPEN VIEW IN A VEHICLE

An officer lawfully in any place accessible to the public may, without obtaining a search warrant, seize from a motor vehicle any item which the officer observes in plain view or open view (including items observed through the use of a flashlight), if there is probable cause to believe that the item is contraband, anything used in committing a crime, or other evidence of crime. These categories of evidence are hereafter referred to collectively as “seizable items.”

### SEARCH BASED ON PROBABLE CAUSE

If an officer has probable cause to believe that a vehicle either locked or unlocked, contains seizable items, all those areas of the vehicle which could contain such items may be searched without a search warrant unless:

1. The vehicle does not appear to be movable or easily rendered movable by minor repairs.
2. The vehicle is located on private property not readily accessible to the public.

### Use of Search Warrant

A search warrant should be obtained when:

1. The vehicle does not appear to be movable or easily rendered movable by minor repairs.
2. The vehicle is located on private property that is not accessible to the public.

### Entry Into Locked Vehicles or Areas

Whenever possible, an officer shall open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions shall be obtained from a supervisor as to the method to be used in opening the locked trunk or glove compartment.

### Consent Searches of Motor Vehicles

An officer may request consent to search from the person(s) in control of the vehicle whenever articulable reasons for the search exist. ~~No~~ A consent search may ~~not~~ be ~~conducted~~ ~~made~~ unless the officer has received from the person a voluntary and unequivocal consent to search the vehicle. A “Consent to Search of Vehicle” form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

### Seizures of Motor Vehicles

A motor vehicle is “seized” or “impounded” when officers take custody of it and either remove it to a police facility or arrange its removal to a private storage facility. An “inventory” is an administrative process by which items of property in a seized vehicle are listed and secured. An inventory is not to be used as a substitute for a search. Vehicles coming into custody of MPD shall be classified for purposes of these guidelines into ~~five~~ ~~six~~ categories: seizures for forfeiture; seizures as evidence; prisoner’s property; traffic/parking impoundments; and other non-criminal impoundments. The procedures for carrying out the seizure, the need for a warrant, the right to search or inventory a vehicle, and the time and scope of any such inventory depend upon how the vehicle is classified.

## Seizures for Forfeiture: Vehicle Used Illegally

### 1. When Permitted

A vehicle may be seized for forfeiture when an officer has probable cause to believe any of the following (a supervisor's approval is required):

- a. That the vehicle has been used to facilitate the sale, delivery, or manufacture of controlled substances;
- b. That the vehicle has been used in the unlawful manufacture or commercial transfer of gambling devices;
- c. That the vehicle has been used to transport any property or a weapon used or to be used in the commission of any felony;
- d. That the vehicle was used in violation of 946.70 (Impersonating a Peace Officer);
- e. That the vehicle was used in violation of 944.30, 944.31, 944.32, 944.33 or 944.34 (Prostitution/Pandering/Solicitation);
- f. Other reasons authorized by 973.075 or by any other statute.

### 2. Exception for Federal Offenses

When an officer has probable cause to believe that a vehicle has been used to violate a federal law, which provides for forfeiture following violation, the officer may seize the vehicle regardless of the amount of contraband involved or the prior record of the owner or occupant, and shall seek instructions from a supervisor concerning federal forfeiture procedures.

### 3. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a "seizure for forfeiture" whenever the vehicle to be seized is on private property not accessible to the public.

### 4. Inventory Procedure

A vehicle seized for forfeiture will be transported to a police facility for storage. An officer who seizes a vehicle for forfeiture shall completely inventory the contents as soon as practical immediately upon its arrival at a police facility. The vehicle's contents will be documented in a report or by using the MPD vehicle inventory form. Upon completion of the inventory, the officer shall obtain instructions from a supervisor relating to appropriate further processing of the vehicle. If the vehicle's contents are documented by using the MPD vehicle inventory form, the form should be scanned into the MPD Law Enforcement Records Management System (LERMS) with the case documents.

## Seizures as Evidence

### 1. When Permitted

When an officer has probable cause to believe that a vehicle has been stolen or used in a crime or is otherwise connected with a crime, the vehicle may be taken into custody and classified as a "seizure of evidence."

### 2. Exception for Minor Traffic Offenses

A vehicle involved in a minor traffic offense shall not be seized as evidence merely because it was used to commit the traffic offense.

### 3. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a "seizure as evidence" whenever the vehicle to be seized is on private property not accessible to the public.



#### 4. Inventory and Release Procedures

A vehicle seized as evidence will be transported to a police facility for storage. A vehicle seized as evidence shall be completely inventoried as soon as practicable after its arrival at a police facility, unless such an inventory might damage or destroy evidence. The vehicle's contents will be documented in a report or by using the MPD vehicle inventory form.

If the vehicle's contents are documented by using the MPD vehicle inventory form, the form should be scanned into LERMS with the case documents. Vehicles seized as evidence shall not be released to any person until the appropriate prosecutor or other official has signed a release form indicating that the vehicle seized as evidence is found to be the property of a person having no criminal involvement in the offense, the vehicle should be returned to such person on an expedited basis.

#### 5. Recovered Stolen Vehicles

Recovered stolen vehicles that are not believed to be connected to any other crimes generally should not be impounded. Instead, they should be processed for evidence at the location of recovery and released to the owner. If the owner is not available to take custody of the vehicle, it should be transported to a private storage facility for safekeeping pending release to the owner. An inventory should not be conducted.

### Disposition of Arrested Person's Vehicle

When a person is arrested in a vehicle which that person owns or has been authorized to use, and the vehicle is not otherwise subject to seizure, it should be locked and legally parked on the street. If it is not possible to lock the vehicle, any observable items of value should be secured in the trunk of the vehicle. Of course, dependent upon the fact situation, guidelines contained in other subsections may apply, for example, where probable cause exists to believe the vehicle contains seizable items or where probable cause to believe the vehicle has been stolen or used in a crime exists.

If the vehicle is found to be the property of a person having no criminal involvement in the offense, such person shall be notified of the location of the vehicle as soon as practicable.

### Traffic or Parking Removals

When an officer causes a vehicle to be moved to a location on a public street as close to the original location as possible, consistent with prevailing traffic conditions; vehicles removed shall not be inventoried or searched in any way. However, the officer who caused the vehicle to be removed shall, if possible, close the windows and lock the doors before leaving the vehicle.

Abandoned and scofflaw vehicles (unpaid parking citations) may be towed pursuant to guidelines established by the Traffic Captain. These vehicles will be towed to a private storage facility and should not be inventoried.

Parked vehicles that are unreasonably leaking gas/oil/fluids or otherwise creating a safety hazard may also be towed. These vehicles should be towed to a private storage facility and should not be inventoried.

### Other Non-Criminal Impoundments

#### 1. Definition

An officer may take a vehicle into police custody because there is reason to believe that it is part of the estate of a deceased person, or the property of an incapacitated person, or because it is property turned over to the police at the scene of a fire or disaster.

## 2. Procedure Upon Non-Criminal Impoundment

A vehicle impounded under this section should not be inventoried, and should be transported to a private storage facility.

### Procedure for Vehicle Contents Inventory

Whenever an officer is authorized to inventory a vehicle, the passenger compartment, glove compartments, trunk, and other storage compartments, such as console and dashboard compartments, or ashtrays which may be infinitely varied by automobile designers, may be examined whether or not locked. Areas not included are gas tanks, fluid reservoirs, or structural cavities not likely to be used to store personal effects. The vehicle's contents will be documented in a report or by using the MPD vehicle inventory form.

Closed or sealed, locked or unlocked containers, found within any of the above compartments shall be inventoried as "a closed container or unit" and shall not be opened. Included are suitcases, purses, or closed or sealed containers.

Vehicle contents should be documented in a report or on the inventory form and returned to the vehicle in most instances. Contraband or evidence located during an inventory should be seized and property tagged. Immediately upon completion of the inventory, the officer shall, if possible, roll up the windows and lock the doors and the trunk.

### When Foregoing Guidelines May Be Disregarded

Whenever it appears that any of the foregoing guidelines should be modified or disregarded because of special circumstances, supervisory approval is required. The District Attorney's Office should be consulted when feasible.

### Consent Search of Residences

An officer may request consent to search a residence from any person who has apparent authority over and control of the premises, whenever articulable reasons for the search exist. A No consent search will not may be conducted unless the officer has received voluntary consent to do so. A "Consent to Search of Residence" form may be completed as evidence that the search was consensual. Whenever an officer requests consent to search, the officer shall document the required articulable reasons in a police report.

Officers shall make reasonable attempts to ensure that the person granting consent has the authority to give consent to the particular area(s) searched.

### ENTRY TO RESIDENCES TO MAKE AN ARREST

Officers may enter a private residence to effect an arrest if there is a valid criminal arrest warrant for the subject; if there is probable cause that the subject is in the residence at the time; and if there is probable cause that the subjects resides at the residence. If the wanted subject is in the residence of a third party, the arrest warrant does not authorize entry and some other legal justification is required (consent, search warrant, exigency, etc.). Probable cause to arrest—by itself—does not provide authority to enter a residence.

Once an arrest is made, officers may conduct a lawful search of the area within the arrestee's immediate control at the time of the arrest. This search must be contemporaneous to the arrest.

A protective sweep of the residence may be conducted once officers have lawfully entered if a reasonable suspicion exists that a person or person(s) are in the residence and pose a threat to officers. The sweep is limited to places where a person could be concealed.

Officers considering entry to a private residence should be cognizant of the inherent risks to entry and utilize proper tactics, equipment, and resources to do so safely. In some instances, the appropriate course of action will be to wait for await additional resources or to not make entry.

### WARRANTLESS ENTRY TO RESIDENCES BASED ON EXIGENT CIRCUMSTANCES

Officers are permitted to make a warrantless entry to a residence when they have probable cause (to arrest or search) and exigent circumstances are present. Exigent circumstances are defined as a compelling need for action without having time to secure a warrant, and fall into one of these categories:

- Hot pursuit
- A threat to the safety of the suspect or others
- A risk that evidence will be destroyed
- A likelihood that the suspect will flee

Officers must consider the severity of the underlying offense when determining whether a warrantless entry based on exigent circumstances is appropriate. The offense must be criminal; a warrantless entry for ordinance violations is not permitted.

The scope of the entry is limited to that needed to address the exigency; any searching must be legally justified (consent, search warrant, etc.). A protective sweep of the residence may be conducted once officers have lawfully entered if a reasonable suspicion exists that a person or person(s) are in the residence and pose a threat to officers. The sweep is limited to places where a person could be concealed.

Officers considering warrantless entry to a private residence should be cognizant of the inherent risks to entry and utilize proper tactics, equipment, and resources to do so safely. In some instances, the appropriate course of action will be to wait for await additional resources or to not make entry.

### ENTRY TO RESIDENCES BASED ON THE EMERGENCY DOCTRINE OR COMMUNITY CARETAKER STANDARD

Officers are permitted to make a warrantless entry to of a residence under the emergency doctrine if it is reasonably believed that a person inside the residence is in immediate need of aid or assistance.

Officers are permitted to make a warrantless entry to of a residence under the community caretaker doctrine when it reasonably appears that immediate action is required to address a non-investigative need (checking welfare, public safety risk, significant property risk, etc.). Officers' primary motivation must not be criminal investigation, and alternatives to the warrantless entry must be exhausted.

The scope of the entry is limited to that needed to address the issue; any searching must be legally justified (consent, search warrant, etc.). A protective sweep of the residence may be conducted once officers have lawfully entered if a reasonable suspicion exists that a person or person(s) are in the residence and pose a threat to officers. The sweep is limited to places where a person could be concealed.

Officers considering warrantless entry to a private residence should be cognizant of the inherent risks to entry and utilize proper tactics, equipment, and resources to do so safely. In some instances, the appropriate course of action will be to wait for await additional resources or to not make entry.

Original SOP: 03/04/2015  
(Reviewed Only: 02/17/2016, 12/26/2017)  
(Revised: 03/21/2016, 03/03/2017, 12/03/2018, 01/03/2020, 01/04/2021)



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



Update of Payroll/Status for Promoted Employees

Eff. Date ~~02/02/2018~~ 02/01/2021

**Purpose**

This procedure outlines the process steps for the promotion of commissioned employees, from the designation of the Chief, through the approval of the Police and Fire Commission, and through the completion of the probationary period.

**Definitions**

- Acting A temporary limited-term fill of a crucial position or a temporary acting position prior to an anticipated open position vacancy. An employee serving in this role has not been designated for promotion for an anticipated open position vacancy. This refers to employees receiving acting pay.
- Acting-Promotional A temporary status for an employee serving in the promoted role after the Chief's preliminary designation for promotion. The employee will serve in this status from the effective start date, until the preliminary designation has been approved by the Police and Fire Commission (PFC).
- Effective Start Date This is the official start date of the promotional status, and generally will set the date for the start of the required probationary period.

**Procedure**

1. The Chief designates an employee for promotion.
  - If there is more than one employee promoted on the same date, seniority is determined by the order the Chief designates. The memo sent out by the Chief's Administrative Assistant will list the promoted employees in seniority order.
2. Determination of Effective Start Date
  - The Executive Section/Operations Captain of Centralized Services will work with the Finance Manager to determine the effective start date of each employee in their promoted assignment and notify the Chief's Administrative Assistant and the Captain of Training of the appropriate date.
  - The effective start date of the promoted assignment will not occur until an actual vacancy exists. If there is a critical need for a promotion prior to that date, the appropriate City Personnel Rules and/or labor contract APM's and/or ordinances will be followed in regards to obtaining approval for the "double fill" of the position.
  - The effective start date does not include initial cross-training dates when the employee is not primarily responsible for the promoted assignment. For all promoted positions except for Sergeant promotions, cross-training will take place at the non-promoted rank. For Sergeant promotions, the first week of cross-training will take place at the non-promoted rank. The second and third weeks of cross-training will take place at the promoted rank.
  - It is preferred that promotional start dates coincide with the start of a payroll period. Exceptions can be made if there is a critical need. (The Executive Section/Operations Captain of Centralized Services should consult with the Finance Manager to ensure that the correct date is used.)
  - The Chief's Administrative Assistant will issue the appropriate memos regarding the notification of the promotion and the effective start date, and will place the documents in the employee's personnel file.

### 3. Payroll Status: Acting

Payroll staff will calculate the pay difference between the acting role and an employee's current rank. Any calculated pay will be added to an employee's biweekly paycheck for each pay period when they are in an acting role. Seniority and probation is not applied during this period.

As of 2020, if an acting Association of Madison Police Supervisors (AMPS) promotion extends longer than a period of six months, the employee will be entitled to the step increases outlined in the labor contract. If an employee is receiving acting pay for an acting promotion from a Madison Professional Police Officers Association (MPPOA) position to an AMPS position (i.e. moving from the sergeant rank to acting lieutenant), the acting lieutenant would receive the benefits to which an AMPS member is entitled. This would include a step increase if the acting AMPS promotion extends longer than a period of six months.

### 4. Payroll Status: Acting-Promotional Capacity

Payroll staff will initiate a Personnel Action Entry in the finance system to move the employee to the new rank in an "Acting-Promotion" capacity as of the effective start date of the promoted assignment.

As of July, 2013, the date that the employee begins to earn Acting-Promotional Pay at the promoted rank is also the employees "seniority date" in rank. (Prior to July 2013, the date the PFC confirmed the promotion was the seniority date.) This date is also the anniversary date in rank for contract seniority pay as well as promotional eligibility, closed positions, etc.

### 5. Police and Fire Commission Promotional Review Process

The Captain of Training will utilize the effective start date of a promotion to determine when to initiate the PFC review process of the preliminary promotional designation. The PFC review process is as follows:

- Step 1: The employee is introduced as a designated promotion and their the employee's resume is provided. This introduction should occur be at the first PFC meeting after the designation is made. (At times, there are exceptions to when this would happen. An employee may not be presented to the PFC if there is no actual vacancy, or if the position is part of a "pilot" project. In these situations, the Captain of Training will notify the Chief's Administrative Assistant and the Finance Manager that the employee will not be presented to the PFC as the position may not be permanent.)
- Step 2: The PFC will meet in closed session as needed to discuss the review of the personnel file of the employee(s) designated for promotion(s).
- Step 3: Once a position has been vacated/created and is available for a promotion, the Chief officially requests through his/her designee, approval by the PFC of the preliminary promotion designation. The PFC approves the official start date in rank that has been provided by the Captain of Training. This is usually the start of the pay period closest to the date the PFC makes its approval of the designation.
- It is requested that the PFC approves the official start date in rank that has been provided by the Captain of Training. This is usually the start of the pay period closest to the date the PFC makes its approval of the designation.

#### PFC Approval of the Preliminary Promotional Designation

- The Captain of Training will notify the Chief's Administrative Assistant of the approval.
- The Chief's Administrative Assistant sends out the appropriate memos, which includes notification of to Payroll. The Administrative Assistant also updates the seniority information with the date of the change in rank.

### 6. Payroll Status Change from Acting-Promotional

Payroll staff will initiate a Personnel Action Entry in the finance system to move the employee from the "Acting" rank to the promoted rank using the start date approved by the PFC.

#### 7. Probationary Promotional Period

The PFC approval of the preliminary promotion designation starts the probationary period for the employee. The term of the probation is determined as follows:

- The Captain of Training recommends the ~~start end~~ date of probation, which is usually 12 months from the actual date they began in acting promotional status.
- This may or may not coincide with the introduction of the employee to the PFC as a promotional designation. If an employee starts as acting promotional prior to a position becoming available, the acting promotional time will count towards probation, but they cannot move forward with the PFC process until an actual vacancy exists.
- Prior to the end of a 12-month probationary period, the Captain of Training will request a memo from the promoted employee's commander, directed to the Chief of Police. The memo should indicate one of three dispositions: satisfactory performance during the probationary period, the need for an extension due to use of leave time, or a recommendation to the Chief to rescind the promotion.
- The Chief will make the final determination on the status of the promotion.
- The employee must be notified if the Chief intends to either extend probation or rescind the promotion. The commander of the employee will be required to meet with the employee in these cases.
- At the closest PFC business meeting prior to the end of the employees 12-months of probationary period, the Captain of Training will request that the PFC make the promotion permanent, or inform the PFC of any needed extensions or rescinding decisions by the Chief of Police. This step must occur prior to the end of the probation.
- The Captain of Training will notify the Chief's Administrative Assistant of the final decision by the PFC regarding final promotional designation.

#### 8. Promotional Memo to Employee

The Chief's Administrative Assistant will issue the appropriate memo indicating the final promotional designation and approval of the PFC.

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